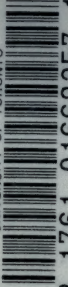


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STRAFFORD AND IRELAND

To many these words of Strafford may seem hard. It is to be feared they were very true. Irish scribes have obscured this aspect of 17th century Ireland, believing that a recognition of it blasphemes the national reputation. All Europe was only emerging from a similar state of chaos, due to the collapse of the feudal and Roman system in a general catastrophe. At the beginning of the Tudor period England was worse. Scotland still remained outside the pale of what we call civilization. Monogamy among the Irish aristocracy was quite a new idea.¹ The Bill allowing one wife and only one was rejected by the Irish House of Commons, recommitted and passed, and was only carried through the House of Lords after considerable opposition.² Nor is this the ex parte view of a prejudiced official. The regulations devised by the Synod of Roman Catholic Bishops at Drogheda are obviously directed at a similar state of affairs, in which they assert that certain of the minor priests—this is the charge Strafford makes too—had not been as severe on these matters as their successors of a later generation.³ Hugh O'Reilly, subsequently the Roman Catholic Primate, numbered amongst his achievements the abolition of "frequentia divortia", from which had arisen "scandala et confusiones".⁴ The absence of Canon Law, the parlous state of the Ecclesiastical Courts, and the confusions and a barren Statute Book were not calculated to reform these scandals.

Writs were accordingly issued for Convocation after the English model. Its first Act was to pass eight subsidies, where-with to replenish the Royal Exchequer, which resolution was subsequently ratified by the Parliament.⁵ In 1640 it added another six subsidies, and agreed to a revaluation of all livings at one-sixth of the market value, thus doubling the value of a subsidy.⁶ These were the only two occasions on which Irish Convocation exercised a taxing power.

The reaction from Calvinism and its peculiar hostility towards the status quo had undoubtedly convinced Usher that the 39 articles should be substituted for the Irish articles of 1615. Before Convocation met he agreed to offer no opposition to the enactment of the former.⁷ Usher, however, was not a man on whom to place much reliance. This or that minute point in the English Articles

1) T. C. D. F. 3. 16. 2) L. S. I—350. 3) C. R. I—428, 437. 4) A. H. V—81.

5) Act. 10. Charles I. Cap. 23. 6) L. S. II—402. 7) L. L. VII—75.

might at any moment alarm his caste of thought, especially as he was the receptacle of all sorts of appeals from the Puritans, who, Strafford charges, used to "infuse necessities into his head". On the eve of Convocation Strafford became aware that, while at first he "seemed to disallow these Articles of Ireland, when it comes to the upshot I cannot find he doth it as absolutely as I expected. Some little trouble there hath been in it, and we are bound not to advertise it over, hoping amongst ourselves to reconcile it".¹ Usher finally proposed not to disown the Articles of Ireland, but simply to pass those of England, the latter, of course, repealing the former.² The advantage of this method was that it evaded two points. (I) Whether the previous Synod had or had not been legal, (II) whether or no the Articles of 1615 were or were not to be the doctrine of the Church of Ireland. The 39 articles included the doctrines of those of 1615, but they did not commit the clergy to them and them alone. What is loosely called "an Arminian" could not adopt those of 1615, but a Calvinist and an Arminian could adopt those now proposed. Bramhall has put the new theory aptly. "It was in the interests of the Church to widen her bottom, and make her Articles as charitable and comprehensive as she could, that nice accuracies should give no occasion to one party to excommunicate the other." Usher's proposals to ignore the Articles of 1615 and pass those of a broader scope evaded the denial of Calvinism, while admitting the Arminian, without asserting that his views must of necessity be held. As Laud wrote "To have the Articles of England received in ipsissimis verbis and leave the other, as in no way concerned, neither affirmed nor denied, you are certainly in the right and so says the King. Go, hold close, and you will do a great service in it."³

The Puritans subsequently charged Laud and Strafford with having intimated Usher. Usher, however, though vacillating and meticulous, was an ill man to intimidate. Strafford makes it clear that it was Usher who proposed this plan, and this letter shows that Laud had never been consulted till then. Usher also, writing to a friend, speaks of the whole affair, when over, as a good day's work well done.⁴ Strafford then left the whole business to Usher, and turned to cope with Parliament.

1) L. S. I—298. 2) L. S. I—342. 3) L. S. I—329. 4) U. P.—477.

Little had he yet realized how incapable Usher was of dealing with large bodies of men. Usher seems to have expressed doubts as to whether he could carry his proposal. He first allowed a party in the Convocation to take the initiative out of his hands, and finally shrank from going to Strafford, and telling him that matters were going awry. No doubt he was afraid of appearing as one who reports spiritual matters to an outside force, and to a domineering Deputy. "It is very true", wrote Strafford, "for all the Primate's silence it was not possible but he knew how near they were to have brought in the Articles of Ireland. He is so learned a Primate and so good a man as I do beseech your Grace it may never be imputed to him."

"Reposing sure on the Primate" Strafford wrangled with Parliament, and, when it was over, he turned to Convocation, and got a shock. In the Lower House the Articles had been proposed. Instead of passing or rejecting them, or consulting with the Bishops, they had vested the initiative in a select Committee to inquire into the Articles and report to the House. This was the era when the Irish Parliament did not even assume a right to amend a Bill, nor even to propose one, the initiative in legislation lying with the Crown, and the right only of rejection or consent belonging to the Parliament. For ordinary clergy to consider the alteration of a measure, which was proposed by the Crown and by the Bishops, was equivalent to the House of Lords altering a Money Bill to-day, or a private member of the Commons proposing to increase an estimate. Calvinistic parsons were claiming a right in matters spiritual, which the Irish Lords disowned in matters temporal. When, however, Strafford caught sight of the recommendations of the Committee "I confess I never was so much moved since I came into Ireland". This small body of "petty clerks", influenced by "the fraternities and conventicles of Amsterdam, in a spirit of Brownism, as if they intended to take away all Government from the Church"—Strafford's language could on occasions be pungent—had decided, "without consultation with State or Bishops", to recommend Convocation to reject a series of Articles, to amend others, and to reintroduce the Articles of 1615, "under pain of excommunication". All this report was now drafted into a Bill, and was ready for enactment that night in a assemblage of country clergy, the majority of whom would be

bound to follow whatever this Committee of bustling and energetic clergymen proposed. If this had happened, farewell to that via media in Ireland, to any reorganization through episcopal authority, to any hope of retaining in the Church that large body of opinion, that did not like the doctrines of Calvinism, its rigidity, and its repudiation of tradition!

Strafford flew into a violent temper, rendered all the worse because he felt he had been deceived. Leaders of Convocation had promised to recommend the 39 articles, and timidity, unwillingness to make enemies and vacillation had produced a different state of affairs. Dean Andrews, the Chairman, he bluntly compared to "Ananias". He assembled Usher, four Bishops, the Committee, and the famous Lesly, and there and then, after a caustic discourse, assumed the full powers of the Prerogative, powers, which vested in the King the right to say what should be proposed, and what should not, reserving for Convocation only the right of rejection or acceptance. He forbade the Committee to propose their report. He forbade Dean Leslie to allow any motion proposing the Articles of Ireland. Drawing Usher aside he handed him a resolution on the basis of his original plan, accepting the 39 articles. Usher, who seemed overwhelmed with the idea that the whole Convocation was full of Puritans, replied that no Irish body would pass such a resolution, and suggested some mild expression of vague opinion. "But I confess, having taken a little jealousy that his proceedings were not open, it was too late now to either terrify or affright me, I told His Lordship I was resolved to put it in those very words, and was most confident there were not six in the House that would refuse them, telling him we should see by the sequel who understood best their minds in that point." After asking Usher to propose it in the Upper House, where it would certainly be passed, and where the moral effect would influence the lower House, he dismissed the startled and alarmed Committee, amongst whom were some "hot spirits, sons of thunder," resolved "to petition me for a free Synod, but they could not agree who would bell the cat, and so this likewise vanished". Leslie was, in the meantime, put in possession of written instructions to put the resolution, after its enactment among the Bishops, "without admitting any debate, for I will not suffer the Articles of England to be disputed. You are to

take only the voices assenting or dissenting and give me a particular account how each man votes".¹ The resolution passed the Bishops unanimously. It passed the Lower House with only one dissentient, Mr. Hamilton of Ballywalter.² Thus did the affair end in what Bramhall calls "peace and amity".³

Laud says he "never saw the King better satisfied".⁴ Strafford, however, was none too happy. To have carried the Lambeth Articles in the Kingdom of Ireland had been a great triumph for Puritanism. Their revocation now was a galling defeat. Strafford for the first time in his career had been forced to alienate a theological party. All his life he had aimed in forming a party of "well disposed" subjects, which no "illdisposed" could disperse by representing him as a heretic. Usher's weakness had drawn him out into the open. With singular prescience he extracted from Laud and Coke a signet letter, applauding what he had done. "If a company of Puritans in England may chance in Parliament to have a month's mind a man's ears would be horns. There is not anything hath passed since my coming to the Government I am liker to hear of than this; and therefore I would fence myself as strongly as I could against the mouse-traps and other smaller engines of Mr. Prynne and his associates."⁵ His prophecy was strangely verified. The storm of popular indignation that accompanied his trial was in no small part due to a widespread belief that he had established Roman Catholicism in Ireland, and attempted by an army of Roman Catholics to overthrow England Protestantism. The 18th article of his indictment accused him of "endeavouring to draw dependancy upon himself of the Papists" and "did raise an army all of which, except one or thereabouts, were Papists".⁶ This Article was published in pamphlet form, and, save those who were at the trial, few knew that it was waived. The Scotch, who for many reasons were more bitter against him than the English and Irish, and who made his execution a *sine qua non* for their peaceful withdrawal from England, announced to all and sundry that the head and fount of his offending was the favour shown to Bramhall, "a man prompt for exalting of Canterburian Popery" and that he had poisoned the fountain "of

1) Wilkins. *Concilia*. I—498. 2) H. P. C. I—172; L. S. I—342—345. 3) C. I. XII—44. 4) L. L. VII—99. 5) L. S. I—381. 6) R. P. VIII—69.

Trinity College" and "corrupted the seminaries of the Kirk". They also added that "when the Primate of Ireland did press a new ratification of the articles of the Kirk in Parliament, for barring innovations in religion, he boldly menaced him with burning of the hand of the hangman all of that confession, although confirmed in former Parliaments".¹ The Scotch it is to be feared, knew very little about Ireland, or they would have known that the articles of 1615 were never referred to Parliament, that Irish Parliaments never dealt with purely theological matters, and that it was Usher who had suggested the introduction of the 39 Articles, and had himself proposed them in the Upper House. The Puritan charges at Strafford's trial collapsed, though Pym made a great flourish of trumpets on the subject in his opening speech. "That nothing" wrote the younger Coke "concerning religion after so great a clamour should be so much as objected to the Earl sticks somewhat with me". That young man solved his doubts by absenting himself from the division on the Bill of Attainder.² The fury that raged round the fallen Deputy can be assessed from Sir John Clotworthy's monster petition of Ulster. It alleged that he and the Bishops had "made canons", which "animated Papists and made way for Popish superstitions", and ascribed to Strafford's favour the fact that there were Roman Catholics in Ireland, as if it was he who was responsible for the theological beliefs of a large number of the inhabitants.³

Thus ended the affair of the Articles. A more comical incident was the subsequent fate of the chairman of the unlucky Committee, Dean Andrews, whom Bramhall describes as "a man of a grave Cathedral manner". Strafford determined to recommend him for the Bishopric of Ferns, partly because Usher was anxious for his promotion, partly because it was the poorest Bishopric in Ireland, being much plundered in the good old days. It took some argument on Laud's part to convince the King of the advisability of this strategy, propitiation of Usher, and punishment of Andrews. Bramhall however, seemed to regard him as but "the instrument of others" in the unlucky affair of the Convocation. It is noticeable that Strafford put the same charitable construction on his differences with Usher. The deed at any rate was done,

1) R. P. VIII—770. 2) Cowper. M. S. S. II—280—281. 3) R. I. A. P. II—8.

and Usher was much pleased. So too was Andrews "to take a Rochet to loss". Before departing from Limerick however, "he set a lease very charitably to himself, contrary to the Act of State", on which offence Strafford joyfully pounced, so as "to furnish his Lordship with an argument to move those that do the like to him, that usurp the rights of his Bishopric". Andrews then preached a sermon before the Vice-Roi and "commending the times said "How long, how long have we expected preferment and missed of it? But now God be praised we have it"."¹

The creation of Canons was a less exciting affair. Bramhall desired to pass all the English Canons in globo, with such amendments as local conditions might require. Usher, however, desired to assert the independence of the Irish Church, and to chose such canons as were deemed feasible, reject others, and devise others in a Hibernian form. Strafford was somewhat ribald on Usher's ambition in this direction. "Needs forsooth we must be a church unto ourselves, which is utterly lost unless the canons here differ, not in substance but in some form from yours in England, and this crotchet put the good man into such agony, as you cannot believe so learned a man can be troubled withal."² Strafford accordingly suggested to Usher that he should consult with Laud. The upshot was that Bramhall was instructed to draft a series of canons which were subsequently passed by Convocation without any controversy whatsoever. Usher too played a very large part in their arrangement and draftmanship.³ Two Canons reveal how very little hold extreme Puritanism had on the Irish Clergy of that period. One placed the Communion table at the East End, and the other made kneeling at the Communion service compulsory. In England these two customs were a source of great controversy, and subsequently led to riots. We can detect in some of the others undoubted concessions to a Low Church Party, and reticences on debatable points, but the very fact that these Canons were passed without any controversy, and the Articles with only one dissentient, shows how Strafford was more accurate in his estimate of the temper of Convocation than Usher, who seemed frightened at a prospect of—if not rejection—at least scandalous

1) L. S. I—344, 378, 380; L. L. VII. 99, 114; C. I. XII—45. 2) L. S. I—381; U. P.—43; L. L. VII—109. 3) U. E. I—179.

dissensions. Laud subsequently congratulated Usher on the pacific end of what threatened to be a storm, but candidly repeated his belief that it would have been better to have amended the English Canons than to have created a special code. Modern critics are all unanimous on Laud's wisdom. The draftmanship of the Irish Canons leaves much to be desired. Nevertheless it was almost a miracle as Laud put it that "in that nice and pickled age they ended all things canonically and yet in peace".¹ It is curious to note that, so far from Northern Puritanism displaying anxiety on the matter the only alarm visible is among the Roman Catholics, who probably saw in the creation of this *via media* and this public organization, something to which they had indeed not been accustomed.²

To a modern generation all this may seem but trivialities. To the generation of that day it was very real. Apart completely from the anxieties, hopes, fears, and passions of the ordinary subject, the political leaders of that period always concentrated on religion when forming a combine. The danger at that moment was that the Church of Ireland would have been torn to pieces by the disruptions of the advanced Puritans. These disruptions would have been used by the less seemly of the local politicians for a thousand and one purposes. The inevitable result would have been the disappearance of the Church into a multitude of sects, or the complete triumph of the Counter-Reformation. As it was Presbyterianism made its appearance in Ulster, but as a force it does not really count till the reign of William III. Then it profoundly affected the mentality, attitude and politics of a large and influential part of the inhabitants. The consolidation of the Church of Ireland, however, firstly averted, before they rose, the fury of the sects, secondly enabled it to attract, at a transition period, the overwhelming majority of the upper classes and a not insignificant minority of the commonality, and thirdly reformed root and branch, an Institution which, despite perennial attacks and confiscations, plays a very large, though silent, part in affecting the body politic. The primary cause of this, is, that the defeat of the effort in Strafford's time to utilize it for disrupting the State, and the basis on which it was then reorganized prevented

1) U. P.—477.

2) P. R.—22.

any of the stormy political parties—attempts of course have been made but only with partial and fleeting success—from capturing it and using it for what Strafford used to call “their own particular ends”.

These Articles and Canons now gave the ecclesiastical authorities full power to cope with the chaotic state of affairs. In 1636 the Ecclesiastical Commissioners were ordered by signet letter to utilize their powers in the case of non-residential clergy.¹ Of more importance was the resuscitation of the Court of the High Commission rendered possible, partly by the glamour now surrounding the Prerogative, partly by the episcopal authority, consolidated by the Canons and the Articles, and partly by the moral effect of a successful Convocation that had decided on reform from above and not from below.² This reform was long overdue. The Ecclesiastical Courts were a law unto themselves. Part of the weakness of their authority was due to their chaotic plight. Their fees were exorbitant and they were sometimes corrupt.³ There was no appeal from their erratic decisions, and their functions overlapped those of the Civil Courts to such an extent that it is a bewildering task to separate their jurisdiction from that of Chancery. It is useless to apply English precedents to those Courts. They seem to have been created from time to time by Orders in Council, with different powers in each Diocese, and now lay a morasse of chaos, a maze of local peculiarities. All the extant letters of Bedell speak of this as the great grievance of the subject, oppressed by law that was neither good nor cheap, law which affected that most important of all things in a State,—Probate. What had made this tangle worse was that it was the practice of litigants to carry their cases across to London, as if the Irish Courts did not exist. “In some emergent occasion”, wrote Strafford, “it may be fit such appeals be procured, but in truth it is too strong a medicine to be applied as a cure to all diseases”.⁴ Such was the system which Strafford summarises under the phrase “extream extortions”. Bedell describes the officers as “preying on the subject”, and Laud more judiciously laid it down that “some of the Church Officers, which should help to remedy abuses, do both let them, and countenance them”.⁵

1) L. S. II—7. 2) C. S. P. 1636—132. 3) T. C. D. F. 3. 16. 4) L. S. II—138. 5) L. S. I—188; L. L. VII—375; U. P.—421.

The consolidation of matters ecclesiastical converted this reform into practical politics. The fees of the officials were stereotyped at the same time as those of the lay courts. Those of Ireland were modelled on those of the ecclesiastical Courts in England.¹ The calibre of the officials was improved by an Act of State making legal training compulsory on all the Chancellors and Registers.² Strafford was given full power to exercise dismissal and veto appointments, where before these officials depended on local influence and the whim of Bishops. Usher's Judge of the Prerogative Court, for instance, was but a mere attorney, and it was doubtful if his patent was even legal.³ This was the official of whom Bedell wrote to Usher. "My Lord Primate is a good man, but his Court is as corrupt as others."⁴ In his case, however, reasons of State held Strafford's hand. This official was related to Usher, and, provided no definite charge of incapacity was made, Strafford let sleeping dogs lie and shrank from annoying Usher.⁵ Usher's influence was vast. During the Scotch emeute a line from his pen would have shaken the allegiance of many a loyal subject." "He were ill lost, as the game is now playing" wrote Laud to Strafford, in congratulation at the news that Usher had no sympathies with the Covenanters.⁶ A curious example of how far popular indignation had spread in 1641 is that Sir John Clotworthy's Ulster petition denounced Usher—hitherto regarded as above all suspicion—for the "invictive terms" in which he spoke of the Covenanters. "Seemingly moderate" is the phrase applied to one, whom they were obviously loathe to denounce too bitterly in London.⁷ Once when he retired to his country seat Strafford traced to certain belligerent friars an ill disposed tale to the effect that he had fled from the wrath of the Deputy, so anxious were men to separate this mild but powerful figure from the Crown.⁸

The appeals to England were abolished in 1635. The leading case which made these things a thing of the past was the non-suiting of the appeal of a certain Dr. Bruce, whom Bramhall had prosecuted for simony, and who was delaying proceedings by motions in London. After this there is no trace of that method

1) L. L. VII—163. 2) L. L. VII—142. 3) L. L. VII—121. 4) U. P.—421.
5) L. L. VII—147, 160. 6) L. L. VII—482, 425. 7) R. I. A. P. V—10. 8) L. L.
VII—212, 213, 235, 236.

of piling up costs and delaying justice. Bruce's appeal was declared *ultra vires* by Laud, and he was tried before the Irish High Commission and inhibited.¹

It was this Court of High Commission that reformed and regulated the Diocesan Courts, and furthermore "rectified exorbitancies too big for ordinary jurisdiction". Unlike its confrere in England it never fell into odium as a religious persecutor. There is no case on record of anyone being fined one penny, or imprisoned for one day on account of Presbyterianism or Recusancy. In Ireland the Strafford regime was remarkable for a tolerance unknown in those days and at the same moment—and this was one of the causes of the odium into which he fell—for the revival and reorganization of the Church of Ireland.

Only one cause celebre came before this body, and this resulted in the deposition of a Bishop. A clergyman of the name of Corbett was driven out of Scotland by the Covenanters, and, landed in Dublin. He there published a book entitled "*Lysimachus Nicanor*", which aroused Caledonian fury to such a pitch that Strafford's favour towards the author was objected to him by the Scotch among their "articles of Treason".² Corbett was given a Crown living in Killala, whose Bishop was Dr. Adair, a patriotia Scotchman. Adair made himself as unpleasant as he could to Corbett, refused him certain dues, and, in an evil moment, not only called him "an impure corbie thrust out from God's Ark", and "an ill crow that defiled its own nest", but added "I would rather sign the covenant than leave my wife and children in Scotland. I do not regard the Bishops of Scotland. I wish they had been all in Hell, when they did raise these troubles".³ These words were held by lawyers to constitute treason, the Scotch being in rebellion, and he was "convented" before the High Commission. The King was "very sensible of that Bishop's ill-affections, as unworthily as unseasonably expressed, more especially as the times now go".⁴ There with only one dissentient he was fined and deprived of his Bishopric. Subsequently, however the triumphant Parliamentarians secured his pardon, the remission of the fine, and another Bishopric. Bedell was the dissentient voice. He held that Bishops

1) L. L. VII—121, 122, 142; Vesey. *Life of Bramhall*.

2) R. P. VIII—770.

3) C. S. P. 1639—221. 4) R. C.—182.

could only be deposed for heresy, which this charge did not cover.¹

The petition of the revolting Parliament at the end of 1640 complained of "the erection of the High Commission Court in these necessitous times", "its proceedings without legal warrant", and "its excessive fees", to which Sir George Radcliffe made the caustic reply that the Court had been "instituted by Act of Parliament" and craved for details of abuses which could "easily be redressed". The fees had been reduced, and would have been reduced further, if Parliament had not blocked the Bill for that purpose. What caused the greatest indignation in regard to Radcliffe's reply was his resuscitation of a speech made by the Chairman of the protesting Committee of the Commons, Sir Roebuck Lynch, to the effect that Strafford had "administered our affairs tam caste ut alienas, tam diligenter ut proprias, tam religiose ut publicas". The real gist however of the complaint was that the High Court had encroached upon the jurisdiction of other ecclesiastical Courts". This complaint was reiterated by certain indignant peers. In this complaint we see the eternal question of local versus Imperial Courts. All during the Plantagenet era in England, there was constant strife between the King's Courts and those which were dominated by local interests and great personages, and vain is all pretence but that the Imperial Courts were less liable to pressure than those that were swayed by local potentates and parties. A probate case in Connaught where one of the litigants was a Burke, a French, or a Browne, stood a fairer chance of equity under the aegis of the High Commission, than under the sole and independent jurisdiction of the local Chancellor or Registrar.²

From Sir John Clotworthy's petition also we can detect how unpopular this reform was in certain quarters. One complaint was that "His Majesty's officers are required to yield assistance unto the Bishop". Another was that Church wardens were "charged with articles far beyond their understanding", and lastly that they "take cognizance of the highest and smallest matters, and usurp with a high hand the judicature of civil causes". What, however, made this petition so effective in England was its reiteration of the fact that no Roman Catholic was summoned before these Courts

1) C. S. P. 1640—237; B. J.—52, 53, 54; B. C.—129, 130. 2) R. P. VIII—12; C. S. P. 1641—261, 262; T. C. D. F. 3. 15. p. 190.

for religious matters, while Protestants were oftener summoned for civil matters. The petition is careful not to say so, but it is so worded as to leave the impression that Calvinists were persecuted and Roman Catholics exempt, when the undoubted fact emerges that the only religious penalties imposed were the inhibition of certain Ministers for not taking the oath of conformity with the Canons.¹

The ninth article of Strafford's indictment accused him of authorising the officials of the ecclesiastical Courts to arrest those who did not appear on summons. This warrant was given to the Bishop of Down, and the witness was Sir James Montgomery, who swore that those who were arrested were "beaten" by the Bishop's officials. If they had been they would all have been paraded at Westminster, exposing their sores. Usher appeared to give evidence for Strafford, and explained how warrants of this nature had been frequently issued before. Other witnesses testified the same. They had originated on a petition from the Roman Catholics who used, in the reign of James, be sued for "Clandestine burials". If they were unable to pay the fine or defaulted on summons, a series of writs used to issue, each one costing money, and the unfortunate man, when arrested, used to be in debt to the Crown for large sums.² The practice of Chichester, Grandison and Falkland was to institute this summary jurisdiction, whereby the warrant for arrest followed on the first default, and not after the mechanical, meaningness, and expensive writs. Strafford, after this one warrant had operated, was advised by Radcliffe that it was dubious in law, though justified by precedents, and withdrew the power from Dr. Leslie. The Parliamentarians scored a small point on this article. "The examination of my Lord Primate"—Usher's appearance on Strafford's side was a sore point—"only aggravates the offence. The warrant was procured by the Papists and Protestants are oppressed by it." It also enabled Strafford to make one of his characteristic jibes at Pym and the Common Lawyers, whom he loathed with a deadly loathing. "It is not treason to mistake the law. If it were there would be more actions for treason in Westminster Hall than there are actions for trespass. Few understood the law. I know I do not."³

1) R. I. A. P. V—10.

2) T. C. D. F. 3. 16.

3) R. P. VIII—236—240.

We may take this 9th article as a typical example of the difficulties of ruling a country with a critical and unscrupulous opposition on the war-path. The Irish House of Commons, Sir John Clotworthy's following, and the English Parliamentarians made great play with the fees and costs of the Ecclesiastical Courts. When Strafford issued this writ to Dr. Leslie to enable these Courts to operate at less cost to the subject, it became "treason", even though these writs had been issued by three previous Deputies, without any complaint of illegality or injustice being made.

The great importance of this consolidation of the ecclesiastical Courts was that when, at a later period, they were taken over by the Civil Power the transition was hardly noticed. They were in complete working order, with, defects no doubt, but containing rudiments of justice, and capable of enforcing their decisions. The basis on which they were organized at this period enabled them to develope, and they form now no mean part of the Civil Power.

All this trend towards the control and development of the Spiritual power by the Civil was not a peculiarity of Ireland, nor a personal whim of Strafford's. Strafford never went against the tide. He was the personification of the spirit of the age, and Ireland at that time yearned for arbitrary government. The protests of this man or that, the clamour in this region or the opposition in that, are no more than the personal views of doctrinaires on the activities of minor factions. When the upheaval came in 1641 Roman Catholicism and Puritanism only rallied insignificant flying columns to their standard. The overwhelming majority of the nation declined to join either the Catholic Confederation or Sir John Clotworthy's levies. As Sir George Carew one time said they "stayed neutral or went with the Crown".

When the Civil Power, personified by Cromwell, forbade the Church of Ireland, the Roman Catholics, or the Presbyterians to hold a service, the country quietly submitted for no other reason than that the law-abiding subject held such regulations to be necessary. Strafford was only doing what the Tudors did in England a generation before, and he was doing it in Ireland because Ireland—ever later in its development than England—had now reached the same frame of mind. And yet this intense activity on the Deputy's part was accompanied by no interference with the private conscience of the well-disposed subjects Clarendon sum-

marised the situation well. "It cannot be denied but that the whole nation enjoyed an undesturbed exercise of their religion, and even in Dublin went as publicly and uninterruptedly to their devotions as the King went to his. The Bishops and Priests and all degrees and orders exercised their functions, which is another kind of indulgence than subjects, professing a faith contrary to what is established by the law of the land, can boast of in any other kingdom in the world."¹

Nor was this attitude unreciprocated. The standing army contained many Scotchmen.² It was a Calvinistic Stewart to whom Strafford entrusted his one enforcement of law and order by the army.³ The majority of the soldiers mobilized in 1640 were Roman Catholics.⁴ They were attended by Roman Catholic Chaplains.⁵ The complaint that frequently appears in Clerical documents was that large numbers of the priests would have nought to say to belligerency.⁶ Behind the theological excursions the fact is apparent—as Strafford used to boast—that Ireland was "governed to the contentment of the well-disposed subject", which class of person, if silent, and unobtrusive, is always in a majority in every country. The religious policy of the Strafford regime was to leave the ordinary subject to pursue his own religion in peace, and to develope, as far as the resources of the State allowed, that via media which lay between Roman Catholicism and Puritanism, both of which, in moments of excitement, were capable of being utilised by political parties as a lever for rebellions. "The reducing of this Kingdom", he one time wrote "to a conformity in religion with the Church of England is no doubt deeply set in his Majesty's heart. But to attempt it before the decays of the material Churches be repaired, an able clergy be provided, that so there might be where to receive, instruct and keep the people, were, as a man going to warfare without munition or arms. It being therefore most certain that this to be wished for Reformation must first work from ourselves I am bold to transmit over to your Grace, these few propositions".⁷

1) Clarendon. *History of the Rebellion* p. 9. 2) L. S. II—261, 296. 3) L. S. II—204, 313. 4) R. P. II—69. 5) S. O. I—237, 238. 6) Franciscann M. S. S. —83, 88, 92, 105—107. 7) L. S. I—187.

Chapter VI

THE PRIESTS

A body natural is compounded of many dissimilar parts, yet it is moved and ruled by one animating soul. So the politic body of this republic, plotted and compacted of divers nations, not agreeing in all one idea and form of religion, may stand upon one frame of unfeigned civil allegiance, to be swayed by one septr, under one Imperial diadem. Connivance of our profession tempers and mixes in one mould the minds of those different septs.

DAVID ROTHE.

The early Stuart period differs from all its predecessors in the evolution of a force, moral, political, and social, indigenous to Ireland alone. On the collapse of the Monarchy Ireland split up into half a dozen embryo States. The most powerful was the Catholic Confederation. The most powerful element in that Confederation was the priesthood. So dominant was its influence that at one period it gave orders to the Lords of the Pale, arrested and imprisoned those who would not obey its behests, the mutineers, according to Rinnucinni, "toasting the ruin of religion in flowing bumpers of beer".¹ From this we may safely deduce that the priests were possessed of wealth, social position, political power, and all those elements which alone could make this possible.

Of that wealth all contemporary documents speak. Of their political power all writers of the period are agreed. One has only to read the petition of the Scotch settlers lodged with the House of Commons to realize the extent to which priests and friars had multiplied since the days of Queen Elizabeth.² Sir Thomas Dutton says "where there were only two or three Jesuits or schoolmen in a town there are now forty or fifty".³ Harris, the Dublin friar, one time compared the Regulars to "a swarm of locusts", and Sir Thomas Philips assessed the dues of those of Londonderry at over

1) M. F.—219. 2) B. I. A. P. V—10. 3) C. S. P. 1629—428.

the rent payable to the King.¹ Recent research shows that the Carmelites had Monasteries at Athboy, Drogheda, Ardee, Galway, Limerick, Kinsale and Loughrea.² Nor were such institutions hidden away in back streets, timidly shrinking from the gaze of Inquisitors. A Convent at Drogheda was one of the sights of the city. It had "fourscore windows aside".³ The chapel in Dame street was "like the banquetting hall at Whitehall, with ballasters, a compass roof, and a cloister with many chambers".⁴

Orthodox history has wasted many tears over the persecutions, poverty, and general distress of the priesthood of this period, but when the documents of contemporary writers confront the eye a different tale is told. For instance the inmates of one of the Dublin convents comprised the daughters of five peers and "divers prime gentlemen", who when, for reasons of State, this convent was closed, were escorted by the Council to their carriages amidst the indignant protests of the Earl of Cork who had closed down the convent.⁵ The Monasteries and Convents so closed were "after a few months leading community life as if nothing had happened".⁶ The fathers of one of the aforementioned nuns was the Earl of Westmeath, who seemed to bear no more ill will for this act than a rate-payer to-day does against the local Corporation that imposes on him burdens that men of that period would have regarded as such an infringement of their liberties as to justify an instant resort to arms. In the Stuart period all our modern ideas are reversed. The highest in the land submitted to things the meanest labourer would not tolerate to-day. Strafford himself had spent a month in prison without trial or cause alleged. On another occasion Charles arrested half the peerage and their wives, and no one seemed aggrieved thereat.⁷ This incident of the Convent was ascribed by one correspondent to the desire of the Earl of Cork "to run a course excentric to Lord Falkland for he suffered monasteries and nunneries to be erected", and by another to provoke a riot and thus justify the cessing of troops on the city.⁸ A previous raid a few months before elicited the following letter from Falkland. "The Jesuits and Franciscans each say that the

1) P. L. —109; C. S. P. 1632—643.

2) Carmel in Ireland. Rushe. p. 60.

3) C. S. P. 1641—307.

4) C. S. P. 1630—510.

5) Cowper. M. S. S. I.—399.

6) Carmel in Ireland. Rushe. p. 51; C. R. p. 69.

7) R. P. II—228.

8) Montague M. S. S.—112; Franciscan M. S. S.—18.

others were deserving of repression, but that they themselves were humble poor souls who might have been excepted from the Proclamation. I feel sure that the laity and moderate men are in sympathy with our action."¹ In this there was more truth than appears on the surface.

The moment we probe beneath the surface of the meaningless alarms and excursions we became aware of a large body of priests exercising a considerable personal influence, *personae gratae* in high quarters, protected by, and on intimate terms with those who counted in actual politics, and frequently working with, and not against the Irish Government, though they and it were careful in public to disown any connection. If the priests as a body had been hostile to the Government it would have perished. If the Government had been hostile to the priests it could have arrested everyone at one given moment by means of its military power. As we shall see, however, the priests knew only too well what would happen if the Government disappeared. The Government also knew what would happen if it deprived certain elements of their priests.

Strafford arrived in Ireland flushed with his first victory, viz the defeat of the Earl of Cork over the question of the Recusancy fines, a question which was bound to make him appear as not ill disposed to that large class, or, at any rate, better disposed than the previous regime. It is significant that he was accompanied by the Earl of Castlehaven, the largest agrarian proprietor in Ulster who was a Roman Catholic.² This peer was subsequently Commander-in-Chief of the forces of the Catholic Confederation. The second peculiarity of Strafford's regime was his constant association with Sir Toby Matthew.³ This extraordinary personage was one of these restless and active spirits, who flutter backwards and forwards in political business, friends with everyone, and enemies of none, transacting serious matters of State with an air of blandness that softens disagreements and binds alliances. He is thus described by an enemy. "To him his bed was never so dear, but he would rest his head thereon, refreshing his body with sleep in a chair for an hour or two, a most impudent man, who flies to all banquets and feasts, thrusting himself into all conversations of superiors."⁴ He combined the twin functions of a Court

1) C. S. P. 1629—446. 2) L. P. I. s. III—203. 3) P. L.—172. 4) R. P. VIII—1322.

flaneur and a semi-official nuncio. It was to him the rescript was addressed forbidding the Roman Catholics to volunteer assistance to the King against the Scotch, and he was regarded by the Regulars as hostile to their claim to be independent of Bishops.¹ In the Strafford correspondence he appears generally in a jocose light, writing poems on the Queen or Lady Carlisle, making cocoa in drawing rooms and drinking it all himself, providing Strafford with pamphlets and the latest literary sensations, and hailed by the nick-name of "Dan Tobiah". In fact he seems a merry but cultured ecclesiastic, far different from his sire, the stern Archbishop of York.² Prynne alleges that it was Matthew who assisted Strafford to mobilize certain Roman Catholic elements when the crash came. A passage in one of Strafford's letters shows that in 1638 he expected him to call in person at the Castle to receive a patent for certain Crown lands the Deputy had leased to him.³ In addition to this it is undeniable but that Wandesforde was on terms of considerable intimacy with Roche, that between Ormonde and Rothe there were close ties, and that Radcliffe, was not only intimate with the Roman Catholic aristocracy—it was he who persuaded them to tender the contribution—but that he was the patron and protector of a certain Father Harris, who defied his Bishop.⁴

These clues explain certain curious happenings. It is undeniable but that Strafford's reputation as a severe man had preceded him. Comerford, the Roman Catholic Bishop of Waterford, wrote. "Every day we expect the arrival of a new Deputy, who, as is reported, is very bitter against Catholics."⁵ Roche describes a panic amongst his flock at one "*de cujus severitate in Catholicos fama percrebuit*".⁶ After this there is a dead silence in regard to matters of State, save in one or two cases where trouble arose. Roche drew the attention of his superiors at Rome to the difference between the "*fama*" mentioned above and the actions of the Deputy. As regards, he wrote again, "the present state of affairs in our Diocese here we enjoy, thanks be to God, great peace and concord".⁷ Rothe used exactly the same phrase in 1639.⁸

The reports of the different Roman Catholic Bishops for their dioceses are still extant. The majority deal only with their own

1) C. C. P. I—62.

2) L. S. II—125, 128, 145, 149; C. S. P. 1637—160.

3) L. S. II—207. 4) R. C.—244, 242; S. O. I—205. 5) S. O. I—183. 6) S. O. I—190.

7) S. O. I—198. 8) S. O. I—236.

internal affairs. They seldom make any complaint of interference with their episcopal functions. In the few cases where complaints are made they deal with matters like taxes, recovery of Crown lands, prosecutions for refusing to obey writs, and other mundane complaints, which subjects of all denominations made in the three Kingdoms.

The importance of these reports is that one can detect who were and who were not the "ill disposed Bishops", by noting where an exercise of the ordinary functions of Government was twisted into a complaint of a special and religious persecution. Such cases occur. For instance all the Connaught Bishops constantly assert that the Plantation of that Province was levelled at Roman Catholics, as if no Plantation would have occurred if Clanricarde had been a Protestant, and, as if the chief beneficees were not Roman Catholic farmers. It is noticeable however that the majority of these episcopal reports are not only written in the same tenour as they would be penned to-day, but relate not only constant activity, but a considerable increase in the number of priests and monks. Two Bishops actually complain of the increase of the latter, one of whom diplomatically suggested that more monks spelt persecutions. The truth was there was very little love lost between the Regulars and the Seculars.¹ When Rinnucini came to Ireland with the intention of creating an episcopal state this hostility of the regulars was marked. "They have", he wrote to Rome, "a great share in the ruin of the Country", the country spelling for him the seculars.²

In Strafford's first Parliament it was on the Roman Catholic members that he depended to carry the subsidies.³ In the elections for that Parliament the priests were very active, "calling the people to their masses and there charging them on pain of excommunication to give their voices with no Protestant"⁴ Strafford announced his intention of prosecuting them for undue influence, but, in only one case, does he seem to have acted. The composition of the majority of the House was Royalist, and he seems to have let sleeping dogs lie. It was not till that Parliament was prorogued that it was visible as to why the Roman Catholic members were so anxious to pass the subsidies. Of the four reforms instantly

1) A. H. V—82—114. 2) R. E.—233. 3) L. S. I—278. 4) L. S. I—270.

initiated one was the exemption of all Roman Catholics from the registration fees for marriage, christening, and burials, which, up to this, they used to pay to the Ecclesiastical Courts.¹ It is significant that Roche knew of these identical concessions before they were published.²

There is evidence, however, that things had not gone so smoothly as appears on the surface. True it was that Roman Catholic Royalism was staunch. It disliked intensely that constitutional Puritanism which—and of this there is no doubt—certain members of the Council had aroused in the hopes of balking Strafford, and carrying “their own particular ends” in the ensuing confusion. It was the fear lest this group might dominate the Parliament that made Recusancy so loathe to demand “redress of grievances before supply”. It was on this fear, lest this group, “under the guise of religion”, would demand a revival of the Recusancy fines, and so embarrass the Deputy, in a word that they would be his masters that had made—so wrote Captain Plumleigh—“the English like the prospect of a Parliament, while the Popish Recusants are against it”.³ Strafford says that “this emulation was well fomented underneath”.⁴

Amongst the Recusants however there were men very anxious, under the guise of a strong Roman Catholic Party, to carry certain proposals. One was the Statute of Limitations, which barred Plantations for ever. True it was the priests had supported that of Ulster, chiefly because the Ulster chiefs were in exile and the Ulster squirearchy were in its favour, but as a rule they detested Plantations. Such changes in tenures meant the fall of the political power of men like Lord Clanricarde, who was the mainstay of the Western priests, the creation of farmers, independent men, owning their own land, and the introduction of strange Planters, frequently Protestants, on whom the peasantry “would have their dependence”. De Burgo—the Roman Catholic Bishop of Clonfert—was very active in trying to form a party to refuse the subsidies till this Bill was passed.⁵ What he exactly did is wrapt in mystery. He may have been one of those who delivered the zealous speeches at election time, or he may have presided at a caucus meeting of

1) L. S. I—293. 2) S. O. I—199. 3) C. S. P. 1634—51. 4) L. S. I—274.
5) M. F.—134.

members in Dublin, which meetings, it may be added, were not regarded as consistent with Parliamentary decorum. There is no doubt, however, that, wherever he operated at any time, he made his presence felt. Cardinal Rinnucini in 1644 angrily described him as being "hot-headed and wishing to have everything his own way".¹ This was because De Burgo had preached a Holy War against what Rinnucini used to call "the Pope's troops".² According to Dr. Meehan Strafford immediately served him with a writ for exercising "foreign jurisdiction". Several times Strafford asserted that, while the King was exercising his dispensing power in protecting subjects from the Common Law and the Common lawyers, it was their duty to support him against possible combinations, and, if on the other hand they stood on the Common Law and asserted their rights, so too should the King. Meehan says that De Burgo went into temporary retirement.

It is just possible however that Meehan has mixed up De Burgo with Malachias O'Queely, the Roman Catholic Archbishop of Tuam. He subsequently emerged as a very bellicose prelate, with an armed force, which he led in person. It was on his dead-body—he was slain in a skirmish at Sligo—that there was found that Glamorgan treaty, whose publication ruined the hopes of Charles and dissolved the Catholic Confederation.³ One of his subordinate clergy describes him in 1634 as in hiding at the threat of the issue of such a writ.⁴ It was however but a flash of the sword, as a year later he was writing—and this account includes, of course, Clonfert—that "all parties were enjoying the peace and quiet for which they longed".⁵

What exactly it was occurred has never come to light. We do know however that a body of priests tried to create a party in the House, and "to put such an obligation on the King as was no ways fit for His Majesty to receive", and that Strafford stepped in between them and the rest of the members, and by negotiations assured himself that the Roman Catholic members would not vote against the subsidies.⁶

True it was that the priests always had the ear of many members of the House. He one time laid it down as a maxim of

1) M. F.—138. 2) M. F.—141, 142. 3) M. F.—117—119; C. R.—404.

4) S. O. I.—194. 5) S. O. I.—203. 6) L. L. VII—84.

State that "the root of all disorder was the universal dependance of the Popish faction upon Jesuits and friars" and ascribed the hostility of a large body of Roman Catholics in the second session of this Parliament to the same element "fearing that these laws"—the Bill they rejected was one against bigamy—"would conform them to the manners of England and so lead to a conformity in religion".¹ There was however a serious split in these ranks. The Lords and gentry knew that the priests would never rest satisfied till they disgorged the Abbey and the Church Lands. The Crown had "passed" the former. Where it had "passed" the latter it recognised the deed, and, in many cases where it had not, it gave compensation for disturbance. This question was always beneath the surface. Once at a critical moment in the history of the Catholic Confederation a treaty was rejected. "The clergy" wrote Rinnucini "seeing that no express mention was made of the Churches or their property came to the conclusion that the Catholic religion was in danger."² He found "an aversion for the clergy among all who had Church property".³

All during Strafford's viceroyalty the efforts of belligerent friars, acting for Clanricarde or O'Neill, failed to raise a religious party of any importance against the Crown. On the King and the King alone depended the validity of those patents. The gentry did not scruple to say so to Rinnucini during the rebellion.⁴ This is one of the reasons why, in certain clerical circles, it was held that "the destruction of the King would be more useful to the Irish".⁵ In a cabal like this there was no common bond of unity, but one great and disruptive agrarian question. Strafford had very little difficulty in breaking that caucus when it threatened to interfere with his subsidies.

Ireland, however, was a very difficult country in which to secure a consistent uniformity. The Dispensing Power had abolished the registration fees already mentioned. In strict law however they could still be enforced. During Strafford's absence in England some of the Bishops and their Chancellors began to enforce these fees. Strafford on his return discovered this and appealed to the King with a historic phrase. "The course alone will never

1) L. S. I.—351, 430.

2) R. E.—197.

3) R. E.—408.

4) R. E.—322.

5) R. E.—146.

bring them to Church, being rather an engine to drain mony out of their pockets than to raise a right belief and faith in their hearts, and so doth not tend to that end he sets forth." He added that he already warned the officials to desist.¹ The breach of the Royal Grace was checked. It does not appear among the grievances of the Kingdom on Strafford's fall.²

The incident however shows how very careful historians should be in quoting the despatches of Roman Catholic Bishops as historical evidence. Some—not all—are couched in a vein of lacrimose lamentation, appealing to Rome or Spain to protect them from a sweeping persecution, which despatches when closely examined are found to be sweeping exaggerations of a grain of truth. For instance Laud one time found a letter being passed round at Court alleging that no regulars could live together.³ True it was that, in the reign of James, a Proclamation to that effect had been published, but the fact remains that, in every country in Ireland there were at least half a dozen Monasteries, that the Roman Catholic Bishops at this time were at deadly war with these regular establishments, that the number of these Monasteries constituted one of the charges flung against Strafford, and that, when a Priory in Kilkenny held something like a public meeting, Strafford forbade Wandesforde to take any notice of the breach of Proclamation.⁴ Another example of this type of manifesto ad misericordiam is a despatch from the Roman Catholic Bishop of Elphin, who, getting hold of a copy of the Canons of Convocation, assured the Vatican that every Irishman was forced "to obey them under terrible penalties", these canons being only binding on members of the Church of Ireland.⁵

This question of the registration fees was similar. It was abolished by an Act of Grace in 1634. The majority of the Episcopal despatches never refer to it again. If they had been revived, their revival would have been a deadly charge against Strafford, involving not only a breach of faith, but, what was more, the denial of a Royal Grace duly published. The act however, of certain Chancellors in 1637 in trying

1) L. S. II—38. 2) C. S. P. 1641—317—341. 3) L. L. VII—285. 4) L. S. II—14. 5) S. O. I—25.

to enforce these fees provided two of these belligerent clerics with a theme for foreign appeals.¹ Strafford's Intelligence Department must have got wind of the latter of these two epistles, because he wrote as follows to Coke. "Hereupon the priests and friars give them a terrible apprehension of an instant persecution, so as it would be well advised upon, it being well known to you on that side what furious outrages and sad effects such rumours and fears have produced in this nation, and we, that are upon this place, do clearly see, that, with this people, *quo quid crudelius fictum facilius creditur*, especially in anything where their religion is rubbed upon, or the English Government concerned."² The words were prophetic. In 1641 Phelim O'Neill let loose his bludgeon men amidst a panic tale that a few Planters and a Government, which had no army, had the intention of massacring all the Roman Catholics in the country, to avert which they started a massacre of their own.

Historical efforts to analyse that loose and indefinable body of religious thought which is characterised by the phrase Roman Catholicism are vitiated by one glaring error. All men are not cast in the same mould. Local ties, personal ambition, the favour of friends and the hostility to enemies, differences of opinion, objects, and methods force men to pursue different paths. Historians have chosen to assume that all Irish Roman Catholicism, lay and cleric, were welded into one mass, pursuing one general aim viz the deposition of "a heretical government". It is true that Roman Catholicism on its theological side loathed the Stuarts far more than Cromwell. The Puritans almost destroyed the Church of Ireland and the Church of England. It was the Stuarts who raised both institutions from the dust. It was the excesses of Puritanism that increased the Counter-reformation. It was the *via media* that weened the Irish aristocracy from Rome. We see this frame of mind running all through Rinnucini's despatches, through the Papal rescript in favour of the Covenanters, and the letters of Hugh Burke to Rome during the rebellion. Despite this however Rinnucini's instructions from Rome when he came to Ireland during the Rebellion, ran as follows "Concerning the Jesuits carefully guard against exciting the opposition of the

1) S. O. I—216, 230. 2) L. S. II—39.

Benedictines".¹ When the Government collapsed not only did Roman Catholic Ireland split into a host of contending factions, but even a Cardinal Nuncio could not keep the priests from assailing each other with singular ferocity, before which the jehads of the Puritan divines were singularly mild. One has only to read "The Aphorismical Discovery" to get a glimpse of the passion with-which Irish Roman Catholicism tore itself into shreds.

It is not till one examines the letters of the different Roman Catholic Bishops in this piping time of Straffordian peace that the first rift in the lute is clear. It is plainly apparent that the Roman Catholic Bishops of Connaught regarded the interests of the Roman Catholic Lords of Connaught as of more importance than any other consideration. These Lords were not the only inhabitants of Connaught. There were minor men intensely anxious to get from under these Lords and "hold of the King". There was also a lower substratum as anxious for the introduction of the planters, as a labourer is to-day for the erection of a factory in his town.² This question of the Plantation of Connaught aroused the angriest passions and the greatest hopes. The Roman Catholic Bishops of that area not only sided with the Lords, but flung themselves on their side, and used every weapon, material and spiritual, to further this very material end, thus turning into enemies men and minor priests, whose aid they would one day desire.³ It was this opposition that determined Strafford to plant on the sequestered fractions of this Plantation Planters who would never be amenable to these influences. "The County of Galway", he wrote, "must be thoroughly lined with English Protestants as the King may have a better account of his good pleasures in that county than we have found hithertoo. They have had their opportunity and have no one to blame but themselves."⁴

As long as that Plantation was looming over Connaught there were two influential parties on the warpath, the Connaught Lords and the Roman Catholic Bishops of that Province with, of course, their own particular followings. It is certain that the conduit through which their intrigues operated at Court was Windebanke, one of the Secretaries of State. The Clarendon Papers are crammed with communications between him and the Vatican, the

1) R. E.—XLVI. 2) C. P. B. XXX—55. 3) C. P. B. I—151, 152; L. S. I—451, 473. 4) C. P. B. II—135—138.

French Orders, Spanish friars, and English Ultramontaines. It was he who was the recipient of the letter from France declaring that Irish Roman Catholics were being persecuted by Strafford, because he had arrested two Connaught landlords, one for intimidating a jury, and the other for making a false return of the dimensions of his estate.¹ It was through the same agency that a signet letter was procured for Clanricarde vesting in him a large area in Galway, despite the protests of the Commissioners for the Plantations.² The local fury aroused in Connaught can be gathered from the following comment of Strafford's. "These letters will carry away sundry lands, to which divers of His Majesty's subjects now make claim, possess, or which are found for them. This grant to the Earl will conclude their right and make their pretences remediless, though never so just or equitable. They will pass to his Lordship lands sold for valuable considerations unto divers of His Majesty's subjects, which they now possess and enjoy."³ True it is Strafford stayed this letter, but on his fall it became valid. One of the causes of the dead set made on his administration was the desire to enroll this letter as a patent, which could not be done while he was paramount. The names of those who carried the Remonstrance in the Irish House of Commons are on record. They include those members for Connaught that had their dependance on the Earl, and the Barnewalls and Plunketts, who were the leaders of political Roman Catholicism, associated with, of all persons, the leaders of seditious Puritanism.⁴

All during the last few years of Strafford's regime the Roman Catholic Bishops of Connaught were indicting frantic appeals to Rome to bring pressure to bear on Charles to avert this Plantation, representing the sequestration of a fourth of each man's estate as a Roman Catholic persecution, oblivious of the fact that men like the Earl of Roscommon and Lord Mayo had to make the same "contribution."⁵ Just as some of the Ulster Bishops became instruments for the relics of feudalism, so three of those in Connaught flung themselves into this affair, and, oblivious of the enemies they were making, indicted pastoral after pastoral to Rome calling

1) L. L. VII—285; L. S. II—452; Egmont. M. S. S. I—106. 2) C. P. II—37.

3) L. S. II—367.

4) National Manuscripts of Ireland. Ed. Gilbert. Plate. No 41.

5) A. H. V—95; S. O. I—216, 247.

on Wadding to nominate a brother of Lord Dillon of Costelloe and the famous De Burgo to vacant Sees, giving as their reasons the wealth of these two, their associations with Clanricarde and Dillon, and the need for having powerful men to counter the "persecution". Of the hostility to these two appointments there is plenty of evidence. It is obvious that Bishops outside Connaught and minor priest inside it, objected strongly to being attached to the chariot wheels of certain Connaught Lords. In the case of Dillon the Bishops failed.¹

The alliance with Clanricarde was certainly not calculated to rear a Roman Catholic state in Ireland. Strafford one time summarized that nobleman thus. "All your kindness shall not better his affections to your service, or render him thankful to you longer than his turn is in service. Remember, Sir, that I told you of it."² When the storm burst Clanricarde played for his own hand, and his own hand alone, securing his estates, beating down mutinous tenantry, driving off marauders, and showing no zeal for the erection of a Government of Bishops, or the preservation of the Throne, or for Parliaments, liberty et omne hoc genus. "He stands", wrote an angry priest, "against his own conscience and religion for the Puritan faction". Father Hugh Bourke put his finger on the flaw. "By reason of his great interests in England he plays the part of a neutral mediator."³ The climax came when he declared against Cardinal Rinnucini, the head of the embryo Catholic state, and brought with him the famous De Burgo and a large number of priests, who bluntly declared that they cared not one jot or tittle for the Interdicts and Excommunications of an Italian Nuncio.⁴

From all this one can understand why it was that in the Province where Roman Catholicism was strongest Cromwell had least fighting to do. Men would not risk their lives and liberties for Clanricarde, De Burgo, Rinnucini or any of the contending factions, who had no recommendation in their favour save their religious proclamations, and had done much to make many men very angry. To substitute for a Government *de jure* another based on nothing but *de facto*, the latter must have some firmer basis than the religious professions of its originators. As Rinnucini

1) S. O. I—234, 235, 247, 249, 250, 252, 253. 2) L. S. II—408. 3) Franciscan M. S. S.—132, 162. 4) M. F.—369.

sailed from Ireland he said. "They cannot endure the authority of a Pope. They are a people Catholic only in name."¹ Clanricarde was one of those who owned Abbey Lands. Rinnucini desired to escheat them. *Hinc illae lacrimae*.

We may, however, take it for granted that a large number of the priests were anxious to preserve the status quo, not so much from any love for Strafford—the religious complexion of his Government was not calculated to win their hearts—but because a change spelt disaster. Who was to take the place of a King with the authority tradition gives as monarchy, and of a Deputy who insisted on peace, and protected the law-abiding subject? Roche summarised him thus. "He is a stern man, desirous of maintaining the peace, not through any affection that he bears ourselves, but because the laity are always more or less agitated by our dissensions."² We may take it for granted too that the urban priests were as a rule partial to this regime. Even during the civil wars they remained quietly in the towns ruled by Ormonde and Inchiquin, when there was every temptation to intrigue with the belligerents. Rinnucini one time ordered a Dominican to leave Dublin, where dwelt the "heretical Viceroy", and to come to him, the Papal Nuncio at Kilkenny. This "proud man, arrogant in doctrine" refused with contumely.³ The Chaplains of the Nobility too were undoubtedly favourable to Royalism. Rinnucini spoke with great scorn of the reluctance to extreme measures of "the old Bishops who lived at the time of the suppressions and the stirs".⁴ The Throne was at this period regarded as the protection of the subject from two great menaces, Puritan anarchy and belligerent feudalism. The priests all detested the former, and those who had experience of the latter never desired to see it dominant again.

One of the very first incidents of Strafford's regime was a visit paid to Radcliffe by Emer MacMahon, subsequently the Roman Catholic Bishop of Clogher. He had got wind of one of those intrigues between Richelieu and the Spanish chieftains. Tyrone had undoubtedly applied for aid to Richelieu, but that statesman had asked him to renew his application at the end of the year.⁵ This MacMahon unfolded to Radcliffe, and due precautions were

1) R. E.—436.

2) S. O. I—199.

3) R. E.—234.

4) R. E.—191.

5) Gil. I—507.

taken.¹ To understand the motive of this a knowledge is requisite of the undercurrents of Ulster agrarian politics. On Strafford's fall, however, MacMahon appeared as an open belligerent. He was one of the conspirators, who under the guise of gathering Strafford's unemployed soldiers for foreign service, was really mobilizing them for a revolt.² On Owen Roe's arrival he sided with him against Phelim O'Neill, and was rewarded with the title of Bishop of Clogher, Owen Roe having great influence in Papal circles.³ He was however a semi feudal swashbuckler rather than a priest, and he only looms on the horizon in forays. At one time he was a candidate for the post of a generalissimo of some levies in Ulster. At another time he held a Commission under Ormonde. This ended disastrously as he was defeated at Letterkenny, captured at Enniskillen, and hung by the indignant Parliamentarians.⁴

In Strafford's time however there was no scope for activities of this nature. The very fact that McMahon supported the Crown, when the Deputy was alive, and rushed into rebellion when he was dethroned, is, in itself, sufficient comment on the relations between the Crown and the growing power of the priests. Under Strafford there was neither temptation to, nor opportunity of anyone setting the heather alight. The mobilization at Carrickfergus for instance could never have been achieved, if there had been any widespread hostility to the Government among the priesthood.

There was however another rift in the lute which rendered it very difficult for any one to mobilize all the spiritual powers of the priests and launch them on the Government. At this period the Regulars and the Seculars were at open war. In England the quarrell had begun over the authority of a Dr. Smith, called the Bishop of Chalcedon. The Clarendon Papers are fully of angry recriminations as regards his personality and power. Here is a summary by an impartial witness. "The Jesuits allege that the Bishop was a very passionate and turbulent fellow, fostering broils between religious orders and priests, that he employed his industry to infringe the privileges of the religious orders, and especially the Society of Jesus, to which he bore a great spite."⁵

1) Borlase. History of the Rebellion p. 2. 2) Gil. I.—504. 3) M. F.—248; Franciscan M. S. S.—238. 4) M. F.—258—262. 5) C. P. I—139.

Prynne says that it was the influence of the Jesuits at Court that caused his expulsion.¹

This commotion spread to Ireland, and seems to have caused great excitement amongst those interested in such matters. The secret instructions to Rinnucini at a later period refer to this as "a shameful rivalry". He was undoubtedly hostile to the Regulars.² To appreciate its significance one must realize that as the number, wealth and power of the Roman Catholic Bishops increased so too did the number of the Monastic establishments. In 1613 the number of regulars did not exceed 200.³ In Elphin alone by 1630 there were over fifteen priories of different kinds.⁴ In the Diocese of Tuam there were twenty eight.⁵ In Kildare there were fourteen.⁶ In Waterford out of 104 priests, 45 were Regulars.⁷ For a country of not great wealth and of spare population there was no room for such a clerical population, and certainly not for two contending jurisdictions. Suffice is to say that the Bishops tried to control the regulars, and the regulars defied them.

At this period the language of divines is strong. Some of the sermons delivered in England necessitated that Royal Proclamation against "causeless railing". In Ireland the letters of Bishops and Abbots certainly denote great powers of expression. "*Tumidi titulis abbatorum*", "*indecentes viae*", "*audacia*", "*contemptus*", "*scandalosae confusiones*" are but a few of the phrases picked out of the episcopal despatches. Father Harris in Dublin one time compared the Regulars to "a plague of locusts", "Armies of Monks and begging friars, such as we are not willing to speak of what condition."⁸ Comerford, the Bishop of Waterford, called them "debauched clergy". Our country is so furnished with clergymen that, ere it be long we are like to have one against every house. A man cannot sit down to a raffe of tripe but one or two clergymen will come in."⁹ Father Stronge, the Franciscan, entered the fray with the following. "These Bishops prefer worldly policy to truth and justice. The prime movers are Ossory, Cork, and Matthew Roche. They have made Patrick Comerford dance to their tune. There is not two houses in the whole of this city

1) P. L. 98—100. 2) R. E.—XLV. 3) A. H. III—301. 4) A. H. V—95.
 5) A. H. V—99. 6) A. H. V—102. 7) A. H. V—109. 8) P. L.—107—9.
 9) Franciscan M. S. S.—52.

where he is sure of a meal, because the seculars deplore his opposition to the regulars.”¹

What had embittered the situation was the Abbey Lands. The stern Roman Catholic held that to possess those lands by patent, descent, or purchase was sacrilege. The Bishops where they mentioned the subject at all adjured the faithful to hand them over to them. The Regulars held that they were the Church. Rothe tried to influence certain impropiators in Ossory, and they were urged to refuse by the Regulars.² Comerford complained bitterly of the hostility of the impropiators to his pleadings, and more bitterly of certain Cistercians, who, having procured certain of these Abbey Lands, relied on the old charters and defied his authority.³ Father Stronge wrote to Rome complaining that certain Bishops “took action against the regulars in favour of the King”, they asserting that the Act of Henry VIII., had made all Monasteries the property of the Crown. A second plea they advanced was that the Pope had no right to create Monasteries, that right being a Royal prerogative.⁴ Bedell says that the majority of the Regulars were younger sons of gentry.⁵ As such they would certainly not be predisposed to the escheat of their relatives’ Abbey Lands, least of all by their enemies the seculars. All during Rinnucini’s hegemony he was beset by this problem. His strict injunctions were not to allow Monasteries to spread.⁶ When he happened to let drop a phrase concerning these Abbey Lands, the regulars to his horror, preached the same “seditious” doctrine as Pym aired in the House of Commons, that true religion consisted not in buildings and endowments but in pure hearts, a theme which we may be sure was applauded quite as vigorously by the Lords of the Catholic Confederation as by the Puritan gentry of England.⁷ This was the real question that wrecked the Catholic Confederation. Rinnucini had secret instructions to recover those lands.⁸ The peace with Ormonde was opposed by the Bishops because there was no mention therein of Church lands.⁹ The laity were different. “They abhor the proposition that the King is not a legitimate sovereign because this would bring an overwhelming ruin on all who hold ecclesiastical property, as they infer their titles also

1) Franciscan. M.S.S.—47. 2) A.H.V—89. 3) S.O.I—167, 168. 4) Franciscan M.S.S.—13, 49. 5) L.S.I—148. 6) R.E.—XLV. 7) R.E.—142. 8) R.E.—LIV.; XLII. 9) R.E.—147.

would be illegal. . . . A dispensation from me they regard as a fresh indication of illegitimate possession. Though I speak and promise they are incredulous. Though I speak, promise and preach to the contrary, not one of them believes me Others with shameful malignity insinuate that the Roman concessions were not to be depended on."¹ The Vatican, Bishops, Regulars, and laity were all at loggerheads on this question. It was not till the Government fell that they were able to contest it, and they did so midst splits, dissensions, and uproar. That embryo Roman Catholic State perished still born at the very whisper of the words Abbey Lands and Church Property. It was a stake worth fighting for. It meant a fifth of Ireland. It was solved by the Lords of the Catholic Confederation and their clerical supporters joining "the Calvinist" Inchiquin and "the heretic" Ormonde on the terms that all existing titles to these lands should stand good, the Church of Ireland should retain what it had, and the Nuncio should leave the country. "The Protestant Bishops", wrote the Nuncio, "are preparing to take possession of the ecclesiastical income".²

During Strafford's time this furore was mild and confined itself to occasional civil proceedings. He was only once compelled to interfere. In Dublin two priests of the name of Harris and Caddell conducted a school.³ The Roman Catholic Archbishop was a Barnewall, and a Franciscan. Harris and Caddell affirmed that life was intolerable under the rule of a regular. The Bishop retorted by excommunicating them both. The battle was long drawn out, but the climax came when both mutinous clerics took an action against the Bishop.⁴ To this the Bishop replied by an order to depart from Dublin and settle in Meath. To this Harris made the following reply. "If the Bishop of Meath's warrant come in the name of King Charles it will be obeyed. If it comes in any other man's name I will not go. If all the fathers, popes, bishops, cardinals, priests and a general council shall command, not a foot will I remove out of the diocese of Dublin."⁵

This was a matter of State. One of the King's subjects had appealed to the King's Courts, and another subject had forbidden him to sue, threatened him with spiritual intimidation, aye and invoked foreign jurisdiction to deprive a subject of his civil

1) R. E. p. 322, 487.

2) R. E.—475.

3) L. S. I.—148.

4) P. L.—107.

5) C. R.—194.

rights. Strafford forebore to act till Parliament was prorogued.¹ Roche, however, knew what was coming. "They will repent it", he wrote. "We will see an exercise of authority which will not be pleasing to everyone."² Strafford had forbidden Harris to leave Dublin, and all parties were only too well aware of what was coming. Dease, the Roman Catholic Bishop of Meath, wisely refused to summon Harris into Meath, and Roche wrote anxiously to the Vatican to withdraw the powers they had given Barnewall. He poured oil on the troubled waters by representing Harris as a person of no importance with no following, despite the fact that he always called himself "Dean of the Catholic University".³ In the end the excommunication and banishment were withdrawn, and Harris went on his way rejoicing. Laud viewed the affair from afar with intense gloom. "Your Lordship may see by this to what contempt and scorn the rents and divisions of the Church have brought many of all parties."⁴ Bramhall closed a melancholy essay on his Irish difficulties with the words. "It is some comfort to see that the Romish ecclesiastics cannot laugh at us, for their disunions and scandals are second to none."⁵ Strafford called it "a salad of menkshood".⁶ Roche drew consolation from the fact that Roche was still alive, "acting as a sentinel, keeping us all in order, telling each one his faults. For this reason some censure him as over zealous, but, in truth, we stand in need of such a watchful monitor in these regions of license and liberty".⁷ In this there was much truth. An intelligence officer captured a letter from a regular in Paris demanding the assassination of Harris.⁸

It is plain to any observer that the long reign of peace had made Ireland forget the evils of "stirs". Throughout all the Strafford correspondence one is aware of an approaching cataclysm, and none knew this better than Strafford. The country teemed with parties willing to push matters to any extreme to get their own ends. This question of the regulars and seculars and the Abbey lands is but one of the countless quarrels, which men were determined to fight at all costs to the country. It lay dormant during Strafford's time. It is significant that a month after his downfall, in Dublin itself, where one would suppose there were

1) L. S. I—155. 2) S. O. I—199. 3) S. O. I—205. 4) L. L. VI—311.
5) C. S. P.—1633—17. 6) L. L. VII—428. 7) S. O. I—199. 8) L. S. I—364.

some relics of order and government still surviving, a riot occurred in a chapel, a young monk assaulting an aged Vicar apostolic. "Ubi est deus eorum?" wrote the Archbishop.¹

On paper the power and authority of the priesthood in Ireland reached its culminating point under Strafford. In time of peace the power of the Keys is ever strong. In moments of civil commotion it disappears before the strident roar of the demagogue, and the rush of the man of blood. Furthermore it stands to reason that, as the country prospered, the priests shared in the prosperity. The pious donor had the wherewithal to make bequests, and the devotee to pay his dues. The constant references in the State papers to these two sources of wealth are amply borne out by religious records. A series of regulations issued by a Connaught synod in 1631 were obviously devised, not for the purpose of increasing the stipends of priests, but for the purpose of restraining them from exorbitant demands. They forbid lending of money, foreclosures on loans, receiving dues of more than a certain limit, keeping dogs, and more than one horse or two servants. Lastly they impose a rigid veto on begging, the entertainment or the recognition of begging friars, who, Bedell alleges, were a great imposition on the meaner sort, all men being afraid to refuse their demands.² The Roman Catholic Bishop of Kilaloe has left on record an indignant protest against charges levelled at him by certain mutinous clerics—"noti adversarii antiqui"—to the effect that he wore fashionable and expensive raiment, and toured the country with a retinue, expensive to his flock.³ The very fact that a regulation such as this had to be made by certain Bishops, and that a charge such as this could be made against a Bishop by certain of his clergy, shows what a change had come over Ireland from the time when there were only a few priests in the cities, the country was barren of exponents of religion, and in Counties like Mayo and Limerick the people had enough to do to support themselves.

It stands to reason that an institution such as this was bound to attract the eyes of those on the warpath. Every political party that arises in Ireland seeks to capture every institution, which has money, authority or attracts respect, for the purpose of bending

1) A. H. V—113. 2) C. R. I—488—494. 3) S. O. I—202.

it to its will, and using it as a lever to capture the State, or impose itself on the country. We have already seen how the Connaught Lords used the priests of their own area to consolidate their devastating stranglehold on—despite all that is said to the contrary—a Province far richer in natural resources than Ulster is to-day.

The Connaught Lords had used the not unwilling Bishops to perpetuate their hegemony, but, in Ulster, the disbanded relics of feudalism, and the restless spirits in Spain had converted the Bishops of that Province into their instruments. Lombard waged a strenuous combat with Tyrone and Tyreconnell over the vexed question as to whether his prelates were to be Churchmen, or agrarian reactionists.¹ The Bull, empowering Tyrone to nominate priests over a large area, and a sequence of ecclesiastical appointments, made at Tyrone's wish, show how matters were drifting in Ulster.² The refusal of the Vatican to nominate Rothe as Lombard's successor was the culminating point. That Lombard's Vicar General, the patriarch of the Irish priests, their greatest scholar, and by far their ablest man of affairs should have been passed over for Hugh O'Reilly shows the influence the Earls must have had in ecclesiastical circles. O'Reilly was the nominee of the nuncio in Flanders and the Infanta Isabell, a strong supporter of the Earls and the pro-Spanish Party.³ Tyrone also wrote to Rome recommending him.⁴ It is worthy, however, of note that among the names sent forward by the Armagh priests his does not occur.⁵ As Ulster was the storm centre of this period this appointment—and there were others similar to it—meant that in Ulster and in Connaught the Bishops were playing with Revolution in the hopes that an upheaval would mean a change for the better. In 1636 Roche died. Rothe and Dease alone of the pacifist school remained. Of the other Bishops some were marked belligerents. Those who were not seem to have been men not of sufficient firmness to hold them in check. They followed them like sheep into the Catholic Confederation, there to sit among wrangles and wars.

Of all this Strafford was not ignorant. None knew better than he that, if matters came to a head in England, the Connaught Lords and the Ulster feudalists would revolt, and use the

1) A. H. III—285—299. 2) A. H. I—33—45. 3) Franciscan M. S. S.—92, 80.
4) Franciscan M. S. S.—96. 5) S. O. I—146.

influence of the priests to strike out for their demands. Even the Scotch Covenanters, as we know, were not above intriguing with this force.¹ "Rebels, as they are called", is a phrase, applied to the Scotch, in one of these episcopal despatches, which shows in what direction the sympathy of the writer lay.² Of one of the threads of this intrigue Strafford had learnt.³ "We cannot hold ourselves secure of this nation", Strafford wrote, "which, however peaceable we may think them, are, in an instant, to be blown up by the Romish clergy into a tempest, not only to the disquiet, but the great hazard of the State, especially if they perceive this Crown embroiled in a war, and be emboldened by promise of foreign succours."⁴ The religious element in Connaught, and the communications between Galway and Spain always gave him great uneasiness.⁵ It is curious to note that it was in Connaught that Charles expected the rebellion would break out. He knew from other sources of the steady trickle of Spanish friars and mercenary soldiers into that Province, while Strafford's trial was being conducted.⁶ It is undeniable that some of the conspirators expected that Connaught would rise, but the abolition of the Plantation and the passing of Clanricarde's patent deprived the Ulstermen of the succours of the now contented Lords.⁷

Of the Ulster movements Strafford knew quite as much. When the Scotch storm burst he knew that between Ulster and Flanders, between Ulster and the Vatican, and between Ulster and Spain "by means of the Pope's clergy" there was an intrigue being formed to land men and munitions between Derry and Coleraine.⁸ This was the moment that Tyrone sent a priest to Scotland to open up negotiations with the Covenanters, and Argyle was boasting that "he would kindle such a fire in Ireland as would hardly or ever be quenched"—Maguire subsequently let this out—Tyrone being "powerful with the redshanks". Between the O'Neills and Campbells there were ancient ties, which were to be renewed by a marriage, Cardinal Richelieu blessing the match.⁹ Of the threads of this conspiracy the Deputy too was not ignorant.¹⁰ He knew however, that, as long as matters went "on a right wheel", these alarms and excursions, were but intrigues,

1) C. C. P. I—179; C. P. II—80. 2) A. H. V—105. 3) L. L. II—92. 4) L. S. II—63. 5) L. S. II—366. 6) C. P. II—134. 7) Gil. I—501—503. 8) L. S. II—93, 111. 9) Gil. I—510. 10) C. C. P. I—187; C. P. II—80.

whispers, runnings to and fro of excitable persons. "The rumour concerning the Irishry to trouble us out of Spain I still hold a very fancy. Yet it will not be amiss to hearken after it."³ The dead quiet of Ireland, even after the Scotch had won Newburn, he had fallen, the King had all but abdicated, and Government was in chaos, the quiet for nine months after this shows how, from the very impulse he had given the wheels of State, matters still were able to progress "on a right wheel". His Intelligence Department must have been a miracle of organization. The truth was that the Crown had friends in every camp, and the conspirators distrusted each other. With Inchiquin, Dillon, Ormonde, Thomond and Westmeath attached firmly to the Government, very little could occur that he did not know, and very little could fail to be done that he wished.

His policy towards the priests was to give them a free hand. As a general rule they were bound to be staunch supporters of the Prerogative. It was only by its dispensing power they exercised their functions. The rising forces of Parliamentaryism would certainly not allow a priest to function, the law being the law. Even when the Catholic Confederation was at its height, Rinnucini noted the aftereffects of this. His strongest enemies he found among "the old Bishops and clergy who lived at the times of the suppressions and the sterns". They had seen one upheaval. They were loathe to perpetuate another. His despatches are full of complaints that the priests would not wear their robes in public, so accustomed were they to the tradition that it embarrassed the frequently assailed Prerogative by flaunting themselves before Puritans. He was flabbergasted when no small number of the Confederation told him that "it is sufficient to perform the Catholic service in secret, provided it be done in safety, and that to expect more from the King would be open injustice, and that it is not lawful to contend with him."³ In the North of England, where a stricter rule was observed, Strafford laid it down as a maxim that "if modestly and silently they exercise and keep their consciences to themselves, it is agreed they should be looked at through the fingers".⁴

A few times however he fell foul of clerical influence. Once when

1) R. C.—188. 2) R. E.—141. 3) R. E.—98. 4) L. S. II—194.

trying a case in the Castle Chamber a barrister tendered an affidavit, sworn before a priest, and laid stress on the point that such an affidavit outweighed testimony sworn in the court. On inquiry Strafford learnt this was quite a common practice. He refused to admit it as evidence at all. "If such oaths were admitted thus, the priests would rule the decrees as they list, empty the King's Court, and make them trumpets to sound forth between party and party such orders as they should give leave to make at, after they had by these testimonies made the course to be such as themselves pleased to represent it to be. Others must learn that they are not to meddle in the least acts or paths towards Justice, without good and proper authority derived from His Majesty."¹ An information was lodged against the priest, but what subsequently happened does not transpire.²

The case has already been mentioned of the arrest of Dr. Walsh, the Roman Catholic Archbishop of Cashel, on a charge of "Spaniolising" that came from the agent in Spain. He was, however, released in three days. It is curious to note that his companion on his journey to Dublin was a son of Dr. Archibald Hamilton, on whose "sciatica" Strafford once made caustic remarks. Walshe's biographer relates that the pair whiled away the tedium of the journey by "discussing various points of doctrine".³ The Roman Catholic Bishop of Kildare relates that one of his priests lodged an information of "foreign jurisdiction" against him, and that he had to go into hiding, but his account reveals the fact that the cause of his flight was that he failed to appear in Court, and was therefore liable to arrest.⁴ There is no other record of this affair. He seems otherwise to have officiated in peace, and died of a sudden stroke of paralysis in 1640, while preaching in a local chapel.⁵

There was one other mysterious affair the details of which are lost. It is only referred to twice by Coke. In one letter he congratulates Strafford on "settling obedience to the State" among some priests, and in the subsequent letter relates that the King had approved of the "vindicating of the Crown against foreign jurisdiction by the sentence passed against Brangan and others, and such insolences hereafter are not in any sort to be connived

1) L. S. I.—204, 248. 2) L. S. I.—281. 3) M. F.—125. 4) A. H. V.—103.
5) M. F.—403.

at".¹ What occurred must have been something outside the ordinary, as, in the same year, Strafford declined to prosecute a priest for seizing on a Church, on the grounds that he only remained an hour, and there was no repetition of the incident.²

The period of Strafford's Vice-Royalty was regarded as the halcyon period of religious tolerance. Certainly in no other country in Europe, and least of all in England and Scotland, could men hold and express their own religious opinions with such immunity. One has only to contrast Ireland with Spain or Sweden to realize what this meant. Clarendon has put it aptly. "It cannot be denied but that the whole nation enjoyed an undisturbed exercise of their religion, and, even in Dublin, they went as publicly and uninterruptedly to their devotions as the King went to his. No man could say he suffered prejudice or disturbance for his religion, which is another kind of indulgence than subjects professing a faith contrary to what is established by the law of the land can boast of in any other Kingdom in the world."³ The Earl of Anglesea thus wrote of these ten years. "There never was more unity, friendship and good agreement amongst all sorts and degrees. I can say, being that time there, the sheep and goats lived quietly together. I remember well, the summer before the rebellion, the titular Bishop of Ferns, coming his visitation into the County of Wexford, at the request of a Popish priest I sent most of my silver plate to entertain the said Bishop with, and had it honestly restored."⁴

Why then did this furore break out? Why was it that six months after Strafford's death thousands were lying dead in Ulster, thousands fleeing along the roads to the cities, homesteads blazing in all directions, and a conflagration of rapine sweeping towards the South, driving St. Leger back on Cork as he fought desperately to maintain the last rudiments of civil government?

Some have evaded the question by alleging that nothing or almost nothing occurred, and the tales that were told were a Puritan legend, nay, that the very depositions that lie in Trinity College are a tissue of lies. One can deduct from the value of this deposition or that, but one cannot ignore them. If we are to neglect, because we do not like their tenour, the sworn depositions,

1) L. S. I—431, 432, 513. 2) L. S. II—207. 3) History of the Rebellion. Clarendon p. 9. 4) Castlehaven Memoirs. 1815. p. 18.

taken in circumstances when men are not excited, depositions of farmers, shopkeepers, and squireens, not politicians or men with great ambitions, English, Irish and Scotch Episcopalians, Roman Catholics, and Presbyterians, soldiers, parsons, and priests, giving names, places, dates and accurate details—not vague statements or hearsay—if we are to sweep these aside as perjury, we may as well destroy every historical document ever written at any time, as the greater part of historical research has to depend on far thinner evidence than this. What is more there was no man, resident in those districts at that time, who ever affirmed that these things did not take place. Do large numbers of men leave their homesteads and flee to the cities for a few trivial riots? Was it for a mere petty outbreak in Ulster that the Planters in Cork flocked round St. Leger? One has only to read in the Egmont papers St. Leger's frantic despatches to Dublin from Cork, where things were but a feeble simulacrum of Ulster, to realize that civilization had collapsed. All contemporary documents tell the same tale. One writer, whose house was only looted because the rebels respected his wife "for some former charity" wrote to a friend thus. "They have burnt seven or eight houses that were standing near me, that before were left unburnt, where they committed many and barbarous cruelties in killing poor women and children. As many as I could preserve in hiding in private places I did."¹ "The havoc they make is marvellous to see" wrote a friar to Rome.² Four years later the Jesuit, Corneleus O'Mahony, boasted that 150,000 were killed. The number was, of course, an exaggeration, but it reveals the effect on men's minds of an emeute, whose occurrence and whose dimensions it is vain to deny. Subsequently Rinnucini employed the perpetrators of these outrages as soldiers, and thus does he describe their conduct towards their own co-religionists and the noncombatants in regions friendly to them. "The damage the Ulstermen have done is not to be denied . . . The harsh proceedings and insolence of the soldiery have produced an indescribable hatred of the clergy . . . O'Neill calls his soldiers the army of the Pope and the Church. The result is that wherever the Ulster soldiers, barbarous enough but good Catholics, perform any act of cruelty or robbery, the

1) P. R.—87. 2) Franciscan M. S. S.—109.

sufferers execrate His Holiness and the clergy." "Howls and lamentations" too is his description of the women of Kilkenny urging him to remove these irregular levies, which, by this time, be it noted, were under some form of restraint.¹ This account is all the more significant when we remember that these levies and Owen Roe O'Neill constituted the only force in Ireland on whom Rinnucini relied.

One can understand what occurred in Ulster when the news went round that Scotland had carried a successful rebellion, England was in revolt, the army was demobilised, the lands and goods of the planters were fair game, the owners were heretics, and the time had come when every man should do right in his own eyes, there being no one to interfere, and less than 2,000 Crown soldiers in all Ireland. These things always begin with an attack on the lives and properties of a weak element, against whom some attractive cry can be raised to cover the deeds, of the perpetrators with a halo of dignity. Then when order has disappeared the anarchy turns to others, who have been afraid to interfere, or whose prejudices have made them stand aside. Then they turn to rend each other. One has only to give the Government of these islands a tiny shock and withdraw the police from one city to get a repetition of what occurred in Ulster in 1641.

The cause of all this, then, since, and now was assumed to be religion. The theory of historians is that Roman Catholic Ireland was exasperated by the tyrannies of Strafford, and "saw no hope of redress", or, animated by bigotry and lust for the blood and lands of Protestants, rose up and perpetrated what occurred. It is already been made clear that nothing had occurred to "exasperate" Roman Catholics. The second theory is even more ludicrous. After half a dozen years of blood and murder and outrage, after all religious parties had thorough dabbled their hands in gore, when one would have assumed that the cleavage between the two religions was so wide that eternity could never bridge the chasm, this is Rinnucini's account of how it ended. "The Catholic Confederation is under the power of a heretic. Munster is in possession of a Calvinist. The Protestant Bishops are to take possession of the ecclesiastical income . . . Some among the Catholics have been deceived by Cromwell's artifices . .

1) R. E.—284, 290, 238, 283.

The Jesuits have shown the greatest deference to Cromwell.”¹ The power of English interference will not explain this. What will explain it is, however, the undoubted, obvious, and glaring hostility of the great majority of the Irish Roman Catholics to the rebels, and their preference—at any rate to Preston, Rinnucini, and Owen Roe O’Neill—in favour of Charles, Ormonde, Inchiquin and Cromwell, these men representing law, order, and civilization, and the others plunder, anarchy and exploitation “under the guise of religion”. The moment these cabals came to the touch of actualities, the religious camouflage peeled away, and men went this way or that way according to their own particular ends.

In what occurred we get a clear insight into the reasons why Strafford, while assailed by belligerent priests on one side and Puritans on the other, stuck stolidly to a religious policy of “no contumacy” and *laissez faire*. The rebellion was engineered by priests. They appear all through the documents of the period, intriguing with the Parliament that disowned Strafford, intriguing in London with the committee of grievances, intriguing in Edinburgh with “the Queen’s side”, preventing the exportation of the demobilized army, assuring the soldiers that “a war was coming”, interviewing this conspirator and that, talking grandiloquently of aid from abroad, hanging round Richelieu’s antechambers, and finally on the war path crying “death to the heretics”, and playing an active part in the burnings, lootings, and murders. They are everywhere, in every document one encounters. This is what has deceived the facile historians.

When Cromwell came why did he not exterminate the priests? There were 3,500 priests in Ireland, early in Strafford’s Vice-Royalty. There was scarcely a diocese with less than a 100 and there were others with far more. In 1667 an appeal ad misericordiam was lodged at Rome. It may be regarded as somewhat exaggerated, but it estimates the total number killed in the stirrs at 300, and the total number exiled or fled on Cromwell’s coming at 1,000.² What happened this remainder? Of the dimensions of the remainder we can only make a rough estimate, but we do know that in 1662 there were in Ireland 800 regulars and over 1,000 seculars.³

1) R. E.—475, 546, 547. 2) C. R.—419. 3) Walsh, *History of the Remonstrance*. pp. 575, 576.

We may be sure that if any had taken part in this initial massacre they would have been hounded down remorselessly. No soldier was entitled to quarter if he had been implicated, no landowner preserved from complete escheat. There is a second consideration. It is plain that few, very few of the monasteries were escheated. They simply closed their doors during the Cromwell regime, and opened them again on the Restoration. The greater part of the regulars remained in Ireland.¹ That reference of Rinnucini's to the Jesuits is symptomatic. Cromwell used to dine and play chess with an Irish Jesuit. "I am a priest and the Lord General knows it", said Father Netterville to Captain Foulkes. "I will say mass here every day."² It is plain, very plain, that Cromwell did not regard a very large body of the priests as ill-disposed subjects. The Cromwell tradition dates from the Restoration, from the Act of Settlement when men, whose lands had been escheated to pay the cost of their wars, asserted *urbi et orbi* that Cromwell had persecuted their religion. The whole story depends on a well-known phrase of his about "tolerating no mass". This veto applied to the Church of Ireland and the Presbyterians as well, to all public celebrations of services, which raised passions at the moment. It was relaxed as time went on, and things became quieter.

The mutually inconsistent traditions that every Roman Catholic was a rebel and every Roman Catholic was penalized only for his religion have no foundation in fact. Cromwell is presumed to have exercised a savage persecution against the priests in revenge for the militant action they had taken. The fact that he left many alone shows that many abstained from acts of belligerency. Three Bishops of the Church of Ireland remained in Ireland under his regime in peace, Leslie, Jones, and Martin, the last of whom it is true he imprisoned, but for "contumacy", holding a service of the Church of Ireland in public, contrary to the rigid rule, binding on all denominations. Four Roman Catholic Bishops remained. They were Hugh O'Reilly, his nephew and successor, Rothe, and McSwiney, the Bishop of Kilmore.³ The only deduction to draw from this is that a large number of priests

1) O'Heyne. *Irish Dominicans*; Rushe. *Carmel*. 2) *History of Dublin*. Gilbert I—56. 3) C. R. p. 419; Walsh. *History of Remonstrance*. 419, 608—611; M. F. 205. 206, 418, 420.

took no part in this upheaval, or at any rate tried to restrain it. The Bishop of one Diocese flatly declined to touch even the Catholic Confederation, which was as far removed—as regards the Majority of members and its aims—from this initial holocaust and its perpetrators as the Reform club is from a soviet. When he was approached by a belligerent friar with a tale of foreign aid and great hopes he replied “The condition of a country is never so hopeless as when it has to trust to foreign troops to gain its end.”¹ In this remark of Dease’s lies the kernel of the question. Roman Catholic Ireland was hostile underneath. We find the same phenomenon appearing again when Rinnucini arrived. He sought to mould the Catholic Confederation of Bishops and Pale Nobles to purely religious ends, to create a Roman Catholic State, and to intimidate them with the Ulster levies. “The Bishops”, he wrote, “are lukewarm. The Regulars are much more so . . . How is it they frame the political treaty so carefully, and leave the affairs of the Church in such uncertainty.”²

Why, this being so, did the King and Strafford keep on the Statute book those penal enactments of Queen Elizabeth’s reign? For this there were two reasons. One was they could no more be repealed than Roman Catholicism could be established. There were some very lawless gentlemen among the Protestants in the three Kingdoms. There were the Ulster settlers. Phelim O’Neill was a Protestant. So was Lord Dillon of Costelloe. The conspirators in 1641 asserted that Lord Mayo had been in the conspiracy, but backed out when the Plantation of Connaught was dropped, and he had got his pound of flesh. He too was a Protestant. Scotland had many Roman Catholics who became Calvinists in order to “rise out for the Covenant”, aye and rose out without even making that change. All these men had followings who “would strike where they bade them” without any qualms of theological niceties. If Strafford had proposed to repeal those laws in three Kingdoms there would have been a religious upheaval on the other side, and it is very certain that he would never have got the consent of the Council if he had wished to do this, which he did not.

There was a second reason. The country had by no means

1) M. F. p. 177. 2) R. E.—142, 96.

recovered from the Elizabethan upheaval. In the rural districts there were men very prone to violence. Strafford attributed it to the fact that, living in but huts, grazing for their lords, without possessions, employment, or hope of better things they "have nothing to lose that with reason they can set their hearts upon". This is the reason of his zeal for Plantations.¹ These were the inflammable elements. It was amongst these that Spain, Richelieu, and "ill disposed subjects" used to let loose the belligerent friars. He regarded them, and as events proved rightly, as the most dangerous element in the country, intimidating jurors, stirring up riot, dragging law abiding subjects into brawls "pro aris", running backwards and forwards to Spain, and stirring up discontent amongst all classes of subjects, champions of Connaught Lords, and champions of landless men in Ulster. These laws gave the Executive drastic powers to interfere with these men, the drastic power of deportation. They did more. They bound the subject to the Prerogative. The law-abiding subject knew that the Crown would not enforce them save on "contumacious subjects", and that constitutional Parliamentaryism would enforce these statutes in every jot and tittle.

On this question there has been much angry writing and loose thinking. Many have forgotten that much that is normal now was only coming into being then. The crash of the Norman system on the invasion of Bruce had reduced Irish society to the same level as Scotland in the reign of James, as England in the fifteenth century, when for a hundred years its population was stationary. The revival of civilization was in full blast, but the relics of violence, coarseness, and mediaeval traditions were lurking beneath the surface. The priests who had come out of the cities at the close of the Elizabethan wars had all this to contend with. So had Bedell and Bramhall.

As Roman Catholicism spread from the cities through the hinterland it waxed powerful and rich, just at the moment when septdom fell with a crash. One of the features of l'ancien regime was the enormous number of idle clansmen and sons of minor gentry, who "coshiered" themselves on the industrious section of the community.² The close of the Elizabethan wars saw the end of this.

1) L. S. II—89. 2) T. C. D. F. 3. 16.

The source of the strength of the Crown was that it was as eager to abolish this as the commonality themselves. The land settlement meant that all these exactions were compounded into a fixed rent payable to the chief, that the chief's estate was confined to his demesne, that the rent was sometimes compounded by an extra slice of land, and that the clansmen were converted into small holders or leaseholders. This meant that these large gatherings of younger sons had either to till the land as farmers themselves, or to seek another means of sustenance. Many went abroad as soldiers. A very large number entered the Churches, where they escaped manual toil, and had, at any rate, a means of livelihood.

The Church of Ireland got a fair share of this semi-barbaric incubus of ex-swordsmen, horseboys, and "swaggering young gentlemen", men with undeniable qualities of a kind, not suited to orisons. Davies one time said of the clergy that "many be serving men and horseboys", i. e. retainers of the chiefs of septs.¹ These are the type against which the Jacobean Bishops, Usher, Bedell, Bramhall, and Strafford waged implacable war. By ecclesiastical courts, absorption of advowsons, education, unfrockings, and drastic measures by 1640 the greater part of this type had been expelled, softened, tamed, civilized, or had altered with the times, or died.

Irish Roman Catholicism on the other hand was a very loose organization. Each diocese was a law unto itself. Each Bishop was associated with local families, liable to local pressures, subject to very little outside control, and, in many cases, so anxious to make converts that he was unwilling to make enemies. The result was that by 1630 this element, had made great inroads on the "civil" organization that had been borne in the cities. By that year it is plain that the Lombard, Rothe, and Roche type were being outweighed and submerged by the inrush of "idle gentlemen". Nothing is more remarkable during the subsequent rebellion than the number of Bishops and priests who were swordsmen, belligerents, agitators, and plunderers. Jones is the only one of that type in the Church of Ireland. There is no record of any other.

The difficulties that confronted Roman Catholicism were

1) C. S. P. 1603—143.

internal and not external. The letters of Roche and Comerford speak of intense difficulties in restraining the exuberance of this class. The statutes passed by the Connaught Bishops are aimed at a series of practices which we now associate with quite a different calling, with a lower substratum in society. Frequenting of taverns, drunkenness, dice-playing, begging in loose company, and wearing the hair long are the profane habits sternly forbidden.¹ More remarkable are the decrees against "wandering priests", attached to no parish, owing allegiance to no Bishop, frequently setting up in a nominal Monastery, and "coshiering" themselves as of yore. Father Harris one time referred to "begging friars, observing no regular discipline, who labour to create a monarchy to themselves to the disruption of the Church".² "Very few", said Comerford, "spend one hour in a twelve month to teach the Christian Doctrine or instruct children."³ Rinnucini speaks of a certain type that "played cards or drank beer on the table from which the altar cloth had just been removed".⁴ It is with these relics of septdom that so many of the Roman Catholic Bishops were struggling in those angry epistles denouncing "*indecentes viae*", "*inobedientia*" and "*contumacia*".

It is from this type that the storm originated. Predisposed to "the good old days", active instruments for foreign Powers and internal agitators, prone to violence, disliking the reign of peace, hating the control of their own Bishops quite as much as the edicts of the State, casually ordained, seldom educated, and never disciplined, it was they who preached the jehad that set the heather alight. One can assess their nature by the fact that it was some of these who plotted the assassination of Rinnucini, and some of these who plotted the assassination of the Commissioners of the Catholic Confederation.⁵

During the earlier days of James it looked as if all Ireland was becoming Roman Catholic. By the close of Strafford's regime it was clear the tide had turned. What had accentuated the swing of the religious pendulum was the appearance of these clerics, the constant broils for which they were responsible, and the association in each district of the more active priests with the

1) C.R.—491—494. 2) P.L.—109. 3) Franciscan M.S.S.—53. 4) R.E.—143. 5) R.E.—411, 303.

more active factions. Where the Elizabethan priests made friends, this type was making enemies wounding susceptibilities and shocking honest men. The year before he died Roche was aware how far this had effected his mission. "Rarely now do we make converts, either because Protestants get more land from the side on which they are, or because our quarrels are making us despised, or because we do not pray as we ought to do. A few of ours have left us."¹ In 1641 Barnewall was saying the same in Dublin.²

For Rinnucini to build up a Roman Catholic state on this foundation was impossible. He had to rely only on the belligerent friars, and the Ulster swordsmen, who were loathed in Ulster, and hated all over the rest of Ireland. Nothing amazed him more than the fact that "the Calvinist" Inchiquin could raise "100.000 scudi" among the natives of Munster to fight him, and that he, with all the panoply of Pale Peers and Bishops, could not raise a tenth of that sum so unpopular were he and his associates.³ In the end the majority of the Confederation, with the aged Rothe at their head, disowned him and joined Inchiquin.

The religious history of Ireland has been sorely misunderstood. Religion has never had anything to do with the "stirs", and yet every class that "rises out" has said that it has done so "for religion". It is the recognition that this cry is false, not justified by facts, not justified by intentions, that produces that phenomenon that every party that has raised a religious banner has been opposed and beaten down by the rest of Ireland, by the majority of the religion whose banner is being waved. Contrariwise at all times those penal laws, about which we hear so much, and of whose operation we know so little, have never effected the mass of the people. They were enacted to deal with the religious agitator and with him alone they dealt. In 1705, for instance, when in theory there was not a priest in Ireland, in fact—so a Government census declares, noting where they lived—there were 1.080.⁴

This is why Strafford in those disturbed times, when three Kingdoms were rushing towards Revolution guided Ireland so

1) A. H. V—91. 2) A. H. V—113. 3) R. E.—353. 4) Ware Annals. p. 195.

successfully along peaceful paths. He strengthened the State with the affection of the law-abiding subject. He made it a terror to the evil-doer. His fall as we know was an intrigue between belligerent Roman Catholics and belligerent Puritans, who never, forgave him for ruling the land "to the contentment of the subject", for, when the land is contented, no man will listen to the anarch, and it fares ill with him who has "particular aims at the expense of the common weal".

Chapter VII

THE ULSTER EMEUTE

Their resistance was made to concession, their revolt was from protection, their blow was aimed at a hand holding out graces, favours and immunities. This was unnatural. The rest is in order. They have found their punishment in their success. Laws over turned; tribunals subverted; industry without vigour; commerce expiring; the revenue unpaid; a church pillaged and a state not relieved. BURKE.

The difficulty however lay in the North of Ireland. There a lodgement had been made within the Irish Church by the Puritan missionaries, who, at this period appear as strong opponents of any form of authority over a clergyman, holding that each parish was a law unto itself. When Blair was presented before the Bishop's Court he denied that an Act of Parliament enabled a Bishop to inhibit him. He denied also that he was bound by Canons or Articles, if in his opinion such institutions were "contrary to the Gospel". When the Bishop urged him to appeal from him, he declined on the ground that appeals to the higher authorities were only successful in case of "whoredom and bloodshed".¹

In the case of private persons these views were a matter for private conscience. The difficulty however was that rectors were not private persons, but officers of State, paid by the State, and wielding an authority of State, in this case, to undermine the State. No doubt from these origins sprang much that was good, liberty of the subject and independence of character, but these qualities, that are inherent in Presbyterianism and Nonconformity, only appear after Cromwell had tamed this wild revolutionary movement, which plunged three kingdoms into Civil war,

1) H. P. C. I—185, 186.

and gave the greatest shock to society that stolid England ever underwent. Its headquarters were Edinburgh and Glasgow. It carried on surreptitious communications with the Parliamentary leaders in London. It formed an alliance with belligerent Roman Catholicism in Ireland.¹ It drew into its net great feudal Lords like the Earl of Argyle, Ministers of the Crown like the Earl of Holland and the two Vanes, co-operated with the Queen's Party at Court, organized mobs in London, and percolated here and there, as the nodus of disaffection and the Cave of Adullam; Suffice it to say that all minds rushed to avail themselves of this new doctrine, that, if one took shelter behind theological formulae, one could denounce the magistrates, and remain untouched, and, if touched, be a martyr. Leslie, after paying due meed of honour to the large multitudes who rushed into the fray believing all religion in danger, "drawn to dance after the pipe, though they understood not the spring, carried headlong before they knew well what they did", noted as amongst the leaders "they that cannot endure to be subject to a Bishop, esteeming themselves men of greater gifts and perfections", those who "would gladly prey upon the Bishoprics as their fathers did on the Abbeyes", great Lords seeking "to draw away the King's subjects" and make them have their dependance on feudal ministers rather than legal Bishops, and lastly that eternal phenomenon in all communities "the desire of the people to hear them depraved that are in authority. It doth work with the multitude when they see men go into the streets and bow down their heads like a bul-rush, see them give loud groans, and cry against this sin and that sin, not in them the hearers but in their superiors", in all of which this eloquent and caustic prelate foresaw—and as events proved he was right,—"the mother of all faction, confusion and rebellion, anabaptism and popularity, the overthrow of the State, Crown, and Kingdom".² More remarkable is the very large number of women who appeared active in this upheaval, it being a peculiarity of revolutions that no small part of the driving force is feminine. Leslie, on another occasion, ascribed the prevalence of what Bramhall used to call "anabaptistical prophetesses gadding too and fro", to that "natural bent of the

1) B. D. I—206. 2) R. I. A. P. VI—10.

daughters of Eve to desire knowledge, liberty, and freedom from their husbands, that doctrine prevailing most where husbands have learnt to obey their wives".¹ From all of this we can deduce that in certain parts of the three Kingdoms prosperity and a long peace had made men unwilling to submit to authority, that individualism was nearing its culminating point, striving to assert itself through the intangible theories of advanced theology, and attacking even the Crown itself, where it did not give way to each man's desire on what should be done in the local Church. The most advanced of these theorists had taken refuge in Antrim and Down, and were there in the Churches, denouncing the Bishops and the liturgy as "Popish", declaring that all were damned except themselves, and gradually absorbing a branch of the State.

These may seem hard words but the intolerance and pride of these harbingers of revolution seems ghastly in this more casual age. Despotisms are seldom tyrannical. Popular soviets nearly always are. When the storm burst the number of clergy in Scotland that were driven out is beyond count, many being stoned, beaten, and wounded.² In England, in one year, they drove out of their benefices five times as many clergy as all the Tudors in sixty years of religious commotions. Nor did it stop only at the clergy. Very strenuous measures were enforced on those who conformed not to the Covenant.³ One of Strafford's Dutch soldiers relates how, when in Church in Scotland, "the Minister publicly declared all men to forbear communion who would not subscribe the Covenant", whereupon he rose and left, and, being tackled by a local Lord, replied "I am of His Majesty's army in Ireland. It stands not with my allegiance to swear your Covenant". "We will give you a command here". "I'd rather trail a pike in the King's Army than take a command from you". After which colloquy, the truculent swordsman shook the dust of Scotland off his feet, retired to Ireland and put these things on record.⁴

With something like 60,000 Scotchmen in Ireland this was a possibility Strafford had to forestall. The great importance of the enactment of those Articles and Canons was that it laid down

1) H. P. C. I—191, 192. 2) R. I. A. P. VI—10. p. 13. 3) R. I. A. P. VI—10 p. 37. 4) L. S. II—274.

a limit beyond which the Scotch missionaries could not go. Up to this a thousand theological considerations had been in nubibus, while it is doubtful what the powers of the ecclesiastical authorities were. There seem to have been even unordained "Dominees" in full swing in Churches, over whom the Bishops had no power, and there is every evidence that the orations of these men were not of a pacific nature, being rather spicy invectives that tickled the ears of the groundlings to such an extent that they used "to rush into Churches at sermon time like folks into a play-house".¹ All this was now at an end, and the ecclesiastical authorities had power to inhibit a clergyman for passing beyond the confines, as laid down in the Articles and Canons, which, it should be noted, were broader than those of 1615.

After Convocation had been dissolved the position of certain of these Ministers had to be considered. The case of the more extreme was first entrusted to Echlin, the Bishop of Down.² Three of these were those whom Strafford had, for a time, left alone at the request of Lord Castlestewart. One can understand how far advanced they were for that period, when Blair had thrown up his Chair at Glasgow owing to differences with the Provost, and had told Lord Claneboye that he "could not submit to the use of the English liturgy nor episcopal Government", when Dunbar had been twice imprisoned in Scotland, and when Livingstone had been inhibited by the famous Dr. Spottiswoode.³ Welch also seems to have fled from Scotland for religious reasons.⁴ In other words the casual conditions of Ireland were converting North East Ulster into a compound for the reception of men, no doubt excellent in character, but by no means harbingers of peace. Blair, and Dunbar were summoned before Echlin, and asked would they or would they not take the oath of conformity to the Church of which they had become ministers. They declined, challenging his right to demand such an oath, and denied the right of Convocation to bind them. Sentence of deposition was accordingly passed.⁵ Echlin shortly afterwards died, and Lady Munro put it on record that the cause of his death was that "God did smite him for suppressing the Ministers".

Echlin's successor was Dr. Leslie. This divine was one of

1) R. I. A. P. VI—10. p. 2. 2) P. R.—15. 3) H. P. C. I—101, 114, 115.
4) H. P. C. I—112. 5) H. P. C. I—183, 185.

the ablest orators of the period. His writings are those of a man who conceals an extraordinary scholarship behind a fluent and sarcastic pen. Few men of that period had such a gift of grotesque ridicule. In person he was a man of singular courtesy and moderation, but his powers of sarcasm must have made him singularly unpopular with his theological adversaries. He was intimately associated with the Strafford regime, followed Charles I. in many of his wanderings, was a strong upholder of arbitrary government, and yet seems to have struggled earnestly to prevent a breach between the ecclesiastical authorities and the Scotch divines. It is through his writings that his fame is best known, and it may safely be said that no man of that period couched theological disquisitions so lucidly, so passionately and in so readable a manner. Even now they form some of the most entertaining of the tracts of the period. One of his first acts was to tender the oath of conformity to Livingstone, and to depose him on his refusal.¹

This was the beginning of a serious state of affairs in Ulster. Four men, with powerful patrons, had been alienated, and alienated for "a matter of conscience". Behind them stood Lord Claneboye, Lord Montgomery, and Sir John Clotworthy, and what was even of more importance, Robert Barr of Malone. This man is one of the most mysterious persons in Ulster. He appears as the manager of some iron works owned by Lord Wilmot and as custodian of the Castle of Culmore. He had a standing pass to leave Ireland whenever he pleased. He was the agent for certain great personages, who sought to charge Strafford with embezzling the Customs. He was mixed up in some mysterious fashion with Sir James Galloway, the Master of the Court of Requests. He was to have been the agent for a Scotch syndicate that aimed at taking over the Derry Plantation, and Hamilton and the Earl of Antrim were in that syndicate. With all these powerful friends it is remarkable that he was a poor man of "mean quality". It is impossible to evade the suspicion that Barr was a financial and political agent for certain men, financiers and politicians opposed to Strafford. Sir George Wentwith says that he was sent to Ireland in 1640 to arrange the intrigue that led to Strafford's pro-

1) H. P. C. I.—187; B. L.—85.

secution, and that he was despatched by Hamilton and Vane. After Livingstone was deposed he took refuge in Barr's house.¹ Livingstone, it should be added, was, at a subsequent date, according to his own confession, employed by the Covenanting Lords as a spy at the Court of Charles, but managed to escape capture through his intimacy with Hamilton, who gave him warning when he was discovered.²

Next year Dr. Leslie held his primary visitation and required from his clergy their subscription to the Canons. This time five refused. These five are in a different category completely from Blair and Livingstone, Dunbar and Welch, who were really Revolutionary Anabaptists, and who are described by a Scotch historian as "more convenient and effective instruments" of the covenanting Lords than any other divines in Scotland.³ Of these five only one, James Hamilton of Ballywalter, played any part in the Scotch Rebellion. He, with Blair, Livingstone and another Down Clergyman of the name of McClelland, sat and acted in the Revolutionary Society that managed the rebellion.⁴ He was a nephew of Lord Claneboye's, which was one of the reasons why that Peer could not be trusted implicitly to cope with a rising in Ulster. Of the others there is no trace of what State Papers call "ill disposition". Brice, the Rector of Broad Island, was a man of a very retiring nature. Ridge the Rector of Antrim, died shortly afterwards, and little is known of his career. Cunningham and Colvert were two divines patronized by Chichester,—the former an Englishman, obviously with little sympathy with "rising out". It is obvious that for them all Leslie had an intense respect and strove hard to convince them that the Articles and Canons of the Church of Ireland were not devised for the purpose of joining that church to Rome.

These five took up the attitude that they could not subscribe to the Canons that were passed by Convocation. It is plain that Leslie was very anxious to retain these clergymen. It is plain also that their principles—reared in the strictest schools of the Lowlands or of London—would not allow them to conform to the Church of Ireland. That Church had passed certain Canons, and passed them, as far as records disclose, in a unanimous Convocation.

1) J. L.—10. 2) J. L.—102. 3) History of the Church of Scotland. Russell. II—145, 146. 4) B. H.—41; Stevenson. II—578.

There were only two alternatives. If these clergymen were to officiate in the Irish Church, they would have to conform to such canons as it imposed, and, if they would not conform, they would have to be deposed. The question is not one of the propriety or otherwise of the questions at stake. It is a question of whether there is or is not to be a residuum of authority somewhere, a basis of dogma, outside of which a clergyman cannot stray. One has only to read the rigid and meticulous code of canons drawn up by the Glasgow Assembly, and the penalties they imposed on everyone who would not testify to each clause, to realise that the difference between Leslie on one side, and the Scotch Calvinists on the other was not prelatival authority versus liberty of conscience, but liberty within a wide scope on one side, and insistence on certain rigid formula on the other, insistence not only to entertain them, but to force them on others. The Scotch Church was rigid in its regimen. The Irish Church had a broader scope, but it had fixed the limit—not invented a narrower boundary—beyond which it could not go. The dialogue between Leslie and these Ministers is on record and closes thus “My doctrine and life for 20 years are known. I appeal to all present if they can say anything against me.” To this Leslie replied. “I confess your life and doctrine have both been good. The Romans however said “*Non opus est Reipublicae eo cive, qui parere nescit.*” The Church hath no need of those who cannot obey.”

All five were accordingly deposed. One died before deposition. Colvert and James Hamilton retired to Scotland where they received livings. Of Cunningham and Bruce nothing is known as to their subsequent history. No other Ministers were deposed, “banished”, or interfered with in any way. Nine and nine only is the total of that sweeping persecution, which, according to the pamphlets of the period, closely resembled “the Sicilian Vespers”, and of these nine, seven retired to their native land whence they came and prospered exceedingly.

From this incident sprang the Presbyterians. As a separate sect in Ireland at this time there is no trace. The subsequent immigration, however, of Scotchmen brought with them the Presbyterian model and Ministers of kindred views. The definite line taken by Leslie on conformity to Canons made it impossible for these to enter the Irish Church, and from this situation rose

that very powerful and influential Presbyterian community, that has so profoundly affected Irish history.

All these proceedings may seem a storm in a tea-cup. At the time Bramhall regarded the matter as of little moment.¹ Strafford never mentions these matters in his correspondence. All the best judges of the time seemed to regard Northern Calvinism, as something that would not secede from Church and State, and these few ejected Ministers as but persons personally disposed to a certain school, prevalent enough in Scotland, but as yet not developed in Ireland. Blair and Livingstone settled in Barr's iron-works, and there held services according to the doctrine of the Kirk. This fact alone shows how "loose was the civil government" of Strafford. In England they would have been promptly prosecuted for "holding secret conventicles". The Scotch Covenanters in their ascendancy were as rigid as iron on the doctrine that none should worship but according to the tenets of the Kirk. The Irish Government, however, did not want to "stir religion" against anyone, and matters drifted peacefully on. In 1637 Blair and Livingstone embarked for the new England States, but, as Bramhall put it, "their faith not being answerable to their zeal they returned back".² Later they returned to Ireland.

Suddenly the storm burst in Scotland. Who was responsible is not clear. It passes the wit of man to conceive that anyone, knowing how anxious the Scotch Lords were for a rebellion, knowing the temper of the Scotch cities on matters theological, simply by the exercise of the prerogative, should have, without considering ways and means, difficulties and prejudices, suddenly ordered an Episcopalian Prayerbook to be read in the Scotch churches, without even a police force in Scotland to cope with a possible riot? The most admirable reasons could be given for a conformity of worship in the loose and chaotic church of Scotland, but no excuse could be made for the method employed. Strafford and Laud constantly asserted that there were men in high places who had deliberately raised what it was the former's aim always to avert, a religious war. Strafford was never consulted. When consulted, after the die was cast, his advice was to make no concessions to men who had appealed to arms, to make

1) C. I. XII—61, 62. 2) C. I. XII—47; A. B.—107, 108.

no attack on Scotland, and to garrison the frontier terms. His policy was to act strictly on the defensive, to leave the Scotch Lords and Burghers alone to tear each other to pieces, as they did in the end. As a last resort the fleet could blockade their ports. The painful fact was that there was no army and only £ 200 in the Royal Exchequer.¹ There was, in addition, a strong revolutionary Party in England, who, as subsequent events proved, were in constant communications with the Covenanters. The withdrawal of the unfortunate Prayerbook only made matters worse. The triumphant Covenanters demanded a Parliament to remodel everything themselves. What affected Strafford however far more than all this was something he whispered to Laud under a pledge of secrecy. "There are 40.000 Scots in Ulster able to bear arms. We have the crack of it if not the threat, every day in the street." Connaught, he added, would have joined in this upheaval if he had not broken the power of the Connaught Lords the year before, and refused to allow any Scotch Planters into that area.² Many of these Ulster Scotch too were henchmen of the Covenanting Lords.

The first act of the Revolutionaries was to take a military census of Ulster.³ Their second was to open up negotiations with the exiled chieftains in Spain, via a Franciscan friar resident in Edinburgh. Four Roman Catholic Bishops sent an appeal to Tyrone to sail for Ireland and take advantage of the confusion.⁴ Strafford's intelligence department intercepted letters from the Countess of Tyrconnel to her son, making arrangements for such a return.⁵ Even amongst the Covenanting Lords were stout Roman Catholic Lords, not averse to striking a blow "against prelacy and Popery", and the Castle of Dumbarton was handed over to the Covenanters by the Earl of Abercorn, a Hamilton, whose estates in Ulster were strongholds of "Scotch Papists".⁶ A Papal rescript arrived calling on the faithful to abstain from giving aid to the King, beyond what law made necessary, and they were "to desist suddenly from these offers little to the advantage of their discretion".⁷ In five Irish counties there was an epidemic of house burning. A band of forty freebooters suddenly appeared, plundering, burning and ravaging.⁸

1) L. S. II—190, 191, 186. 2) L. S. II—195. 3) L. S. II—185. 4) C. P. II—69, 85. 5) L. S. II—269. 6) Cowper M. S. S. II—227; L. S. II—325. 7) R. P. II—821. 8) Cowper M. S. S. II—230; P. R.—43.

Nor was the disease only internal. The Scotch Lords appealed to France for aid.¹ Their intermissary was Father Chalmers, whom a revolting Lord in Paris, writing to Argyle, describes as "our countryman, who is the Cardinal Richelieu's Secretary. Write to him to befriend me in my business here. He has great power with the Cardinal and especially in what concerns Scotch affairs".² Chamber's brother once wrote to him. "By your favour with the Cardinal you have obliged the nobility of Scotland, which is a great contentment and expectation for us all."³ He is described by the Ambassador at Paris as the Ambassador for the Scotch. The Royal Puppet on the French throne knew nought of this. Richelieu seldom revealed the seamy side of State affairs to his Master. Accordingly when Leicester protested against the favour shown in Paris to the Scotch agents, the King indignantly disowned them, and summarized their religious fervour in a phrase that is historic "Religion! Ah! C'est seulement un pretexte que tous les rebelles cherchent pour couvrir les mauvais desseins".⁴ On this subject that unfortunate Monarch spoke bitterly. He too had his Puritans, Covenanters, and belligerents save that in France they went by the name of Huguenots, and could, on occasions, consider "a crown worth a mass" to the astonishment of their sincerer but humbler supporters. Strafford used to regard Marie de Rohan, who came over at this period, as an agent for Richelieu, and scoffed at her tale of how she had been expelled from France.⁵ She was followed by, of all persons at this time, Mary de Medici, the Queen Mother. "Her charge", wrote Laud, "will not be the worst of evils which will accompany her coming hither, in regard of the seditious practising train that attend her. This is but a new beginning of evils."⁶ Even the French Ambassador displayed an unnatural interest in matters certainly outside his sphere. Windebanke thus wrote to Strafford. "The French Ambassador had an intention to have been resident near the army, and to that end was removing from hence towards the North, pretending orders for that purpose from His Master. Indeed it hath been very fit that the Covenanters, who want intelligence both at home and abroad should, in this distress of their affairs, have such a friend near them to have held intelligence with

1) R. P. III—1037. 2) Dom. 1639—449. 3) Dom. 1640—101. 4) C. L. M. II—647. 5) L. L. VII—453. 6) L. L. VII—496.

them." "This spy"—as Windebanke calls him—was peremptorily ordered—hints he would not obey—to remain in London.¹

Suffice it to say that the Covenanters were well equipped with arms, artillery, and professional soldiers. One of Strafford's officers reported that they had two men of war with six cannons, drakes of a nine bore, 4,000 corselets, and 1,800 muskets "as well as he ever looked upon".² An intercepted letter speaks volumes, "Cavalry can come from Bremen and Emden. The French King offers through Cardinal Richelieu that his fleet shall make an attack on Weymouth and Southampton. The ancestors of our cousin Stratherne have more right to the Crown than the house of Stuart. Le Roi est resolu de mettre garrisons dans les places frontieres et Edinbourg, et nous imposer une Vice Monarchie Irelandaise".³ Leslie, the Scotch General, was open in his boasts. "The King had better fortify his Cinque Ports, for if the King begin with us, he shall find enough to do in both his Kingdoms, especially in Ireland, e'er long."⁴ There was in this a double policy. Hopton, at Madrid, was certain that the Covenanters had opened up negotiations with the exiled chieftains.⁵ Between the Campbells and the O'Neills there were many ancient ties. As late as 1603 this sympathy fluttered official devecots.⁶ Secondly Argyle laid claim to Antrim. It was his feud with the Mac Donalds, whom Charles had ostentatiously and foolishly favoured, that drove Argyle into the Covenanter Camp, despite all that Strafford could do. In fac Antrim and Argyle, glared across the sea at each other like tigers, but, added Strafford, "the sea is so happily set betwixt them, as perchance may so allay their warmth, as they will not give any great hurt to one another, nor much trouble to other men".⁷ How far Argyle had committed himself to Tyrone is a mystery. It is certain, however, that Richelieu had played with the idea of embarrassing England by raising a rebellion in Ireland as well as in Scotland. He had been in negotiation with Tyrone a few years before Strafford arrived.⁸ He was in negotiation again with the foreign O'Neills early in 1641.⁹

All this sounded terrifying but governments, rightly handled, easily break to pieces cabals such as this. The average citizen has

1) L. S. II—322. 2) L. S. II—271. 3) Cowper M. S. S. II—219. 4) L. S. II—274. 5) C. P. I—324. 6) Cecil M. S. S. XII—74. 7) L. S. II—281. 8) Gil. I—507. 9) Gil. I—501.

very little love for anarchy, and revolutionary parties hate each other more than the government, for which each one wishes to substitute his own *nostrum imperii*. What sympathy was there between the four Roman Catholic Bishops and the Scotch settlers, and between the O'Neills in Ulster and the exiled chieftains they had expelled? Large numbers of the O'Neills and O'Donnells were minor gentry and warm farmers, planted on O'Neill's and O'Donnell's demesnes. O'Donnell's idea of returning was on condition that he become "a prince in Ulster", at the expense of these identical planters and lease holders, on whose support he was relying.¹ What sympathy was there between the bog-trotting buccaneers who broke out in Donegal and the Scotch Planters, between the Covenanting Lords and the Edinburgh Divines, nay even between the Covenanting Lords themselves? Strafford's policy in regard to these gentry was "not to afford them the honour of striking a battle with the Crown". Such a course involving "expense of treasure", but to hem them in with garrisons, blockade their ports, "starve them out of madness into their right wits", leaving them "to dissolve themselves through their own wants distrusting, and discontentments", while raising in the meanwhile a party for the King in Scotland itself."² Nor was this policy but a dream. Argyle's intense desire to invade Ireland, while leaving his allies to fight their own battles is one symptom of the rift in the lute. The gentleman who thought his kinsman should be King raises up a pretty problem, as to what would have happened if the confederation had been successful. Lastly on the eve of the invasion of England, Loudon, Argyle's *Fidus Achates*, sent word across the border to the effect that "the Earl of Argyle has a commission to go to Ireland as soon as the Irish Army leaves for England".³ The tangle becomes more confused when we find Argyle asserting that the cause of his joining the Covenanters was, not because they were on good terms with the exiled Earls, but because the Earl of Antrim—the King's standard bearer in Ulster—had written to Spain urging the exiled Earls to come back to Ireland, and help him to invade Argyle's territory.⁴ Credence is lent to this charge by the fact that the Antrim proposed to mobilize a large body of what Strafford called "sons of habituated rebels,

1) L. S. II—269. 2) L. S. II—192, 235; Cowper M. S. S. II—230. 3) Dom. 1640—611. 4) L. S. II—187, 210, 225.

as many O's and Macs as ever startled a Council Board", amongst whom was Phelim O'Neill, subsequently the leader of that massacre in Ulster, though, of course, it should be remembered that between Phelim and the Earl of Tyrone there was a feud, ancestral, historic, and, of course, agrarian. The agrarian feud was not so visible at this period, as neither had land in Ulster, Phelim having mortgaged the 10,000 acres with which James had endowed him out of Tyrone's estates.¹ The tangles, confusions, and subterranean cabals of Ulster and Scotch feudalism are many and unseemly. Orthodox history evades this disreputable theme by assuming that all the great figures coalesced or fought on some national or religious basis, which method of solving historical problems has the great merit of evading research, while assuming an air of plausibility.

Apart, however, from these rifts in the lute of the Cave of Adullam there was another problem. All Ireland loathed both the Scotch settlers and the Northern feudalists. There were men living in Ireland still who had not forgotten those Elizabethan wars, when Hugh O'Neill "brought in Spaniards", and burnt the houses of honest men. When Phelim O'Neill raised the standard of revolt in Ulster, he raised more enemies than Strafford ever had. Owen Roe O'Neill never had more than two counties at his disposal, and they constituted not a base, but a scene for guerilla warfare. All the other Provinces defied him, and into Antrim, Down, Donegal and a large part of Derry he could not enter. So much for that source of discontent, when there was no Government in England or Ireland. The Scotch settlers however were anathema. Those in Antrim and Down, which are all that count in this affair, were aliens, Puritans, and plebeians, peasants, and cottiers, with which class Irish gentlemen were not in the habit of conspiring. A rebellion in this area, and rising from this class, was, to a discerning man, a matter of small moment. Strafford, carefully separating the threads of the tangled skene, arrived at the conclusion that "in this exigent no suspicion was to be had of the natives at all".² The only difficulty was how far to trust individual Lords and gentry with arms. "The Irish", he wrote, "may do very good service, being a people removed from the Scotch as well in affec-

1) L. S. II—297, 300, 304, 306. 2) L. S. II—236.

tions as religion. Yet it is not safe to train them up more than needs must in the military way, which, the present occasion past, might arm their old affections to do us more mischief, and put new and dangerous thoughts into them, after they are returned home again—as of necessity they must—without further employment or provision, than what they had of their own before.”¹

In this synopsis he was strangely justified by results. His recruitment in Ireland was easy and enthusiastic. From one end of the country to the other there was not a symptom of sympathy with the Scotch. On his fall however the army was immobilized. Its demobilization was conducted without forethought of the warning he had given when alive. Armed men in the quietest of countries are a danger to society. How much more so in a country where violence is traditional and at a moment, when every contending class was scrambling to use those troops for its own ends? The ghastly slaughters of 1641 were the result, and the failure of Charles, either to demobilize that army promptly, or to do so by detachments was in no small degree responsible.

The intrigues of the Ulster feudalists with Argyle on the one hand, and the exiled chieftains in Spain were really intrigues and no more. In Ulster they had no following. In 1641 only three men of any note went into rebellion. Two of them, Lord Maguire and Sir Phelim O'Neill, had squandered their estates and the third O'Reilly, was a very minor man. It is clear that all the great names were loyal or neutral. No man with anything to loose wanted to restore a feudalism. Secondly both Tyrone and Tirconnel were weak men. Owen Roe O'Neill was in the service of Spain. Not one of these three could stir without Spanish connivance. Strafford had forestalled that danger. Northumberland, who was head of the Pro-French Party at Court, one time complained that “there is not a person more Spanish in his ways than my Lord Deputy”.² One of the reasons for this attitude towards foreign policy was that Spain could, when it pleased, unleash these exiled nobles, equip them with a few ships, and send them to Ulster with the Irish officers and men under their command.³ From the day Strafford landed in Ireland he set himself to avert this peril. He opened up trade with Spain. He protected Spanish

1) L. S. II—188.

2) C. L. M. II—621.

3) L. S. II—III.

interests zealously. He secured from the Condé Duke the right to nominate officers over the Irish mercenaries employed by Spain.¹ He busied himself in raising levies for the Spaniards, flung his influence on their side in the disputes with the Hollanders, whose rising naval power he feared, was bitterly denounced by the French Ambassador to the King, and attached strongly to his person, Colonel Preston, the Colonel of one of the Spanish regiments.² The greatest service however, that he did Spain was to persuade the King not to go to war with that Power over the Palatinate, an action which won him the everlasting hostility of the French Party at Court, "the Queen's side", and the Parliamentary Puritans, who were the Jingoës of this era.³ English friendship was vitally necessary to both France and Spain at this period. Neither would attack her for fear of driving her into the arms of the other. This was the one bright gleam in the dark political horizon that the Powers were "so soundly together by the ears one with another as admits them no leisure to move his Majesty, and, without assistance from abroad, the gallant gossellers"—such was the Deputy's nickname for the Covenanters—"shall not be able to bear up their rebellious humours against the King".⁴ With such a powerful influence as Strafford on her side, Spain was assured that Charles would not side with France. The Ulster chiefs were accordingly quarantined in Madrid by the Spanish authorities, with the indefatigable Hopton watching their every action, and occasionally tapping their correspondence. Strafford brushed aside all fears from that quarter.⁵ The fruits of this policy were seen in 1642. Owen Roe O'Neill, then in disgrace for a capitulation to the French, sought permission to sail for Ireland. The Spanish authorities did their best to prevent him, and his followers complained that "the Spaniards are more their enemies than the Irish".⁶

In Strafford's time such dangers could not mature. "There is no power left these impostors", he told Monsignor Conn, "save to draw a certain and speedy ruin upon themselves and as many as can be vitiated by their allurements". He sarcastically described certain of the Irish at Madrid as "loudly affected people, keeping themselves in countenance, delighting to have it believed and

1) L. S. I—94. 2) L. S. I—118, 233, 394, 466, 470. 3) L. S. II—60, 64.

4) L. S. II—190. 5) C. P. II—75. 6) Gil. I—521, 522, 523.

themselves pitied, as persecuted forth of their country and ravished of their means for their religion, taking upon them to be Grand Seigneurs, and boasting and entitling themselves to great dignities and territories, whose very names were scarcely heard of by their indigent parents.”¹ This may sound severe but it is alas, too true. Madrid was the happy hunting ground of the adventurers of that period. Nothing is more amazing than the number of peers with Irish titles floating about Spain at the beginning of the 17th century, which titles neither James, or Charles had ever created, and which the King of Spain dare not create without “committing one unfriendly act”. Thackeray’s “Barry Lyndon” is the product of every age.

In the meantime the house-burners were pursued, rounded up, and lodged in durance vile.² The demeanour of the ordinary subject was undoubtedly hostile to the Revolutionaries. True it is that in Ireland the eternal sympathy with revolt against any status quo should have caused qualms to anyone faced with this situation. The venerable Miler Magrath, paraphrasing a famous passage in Julius Caesar, one time held forth on the fact that “the most part of the people of this land do daily practise change”.³ Nevertheless against this was the Royalism of the Squirearchy, the timidity of the bourgeois, and the religious flavour the Scotch had given their revolt. The Church of Ireland was against them. Roman Catholicism, where it was belligerent, could scarcely preach a jihad in its favour. Where it was not—and those that were not were according to Strafford—“to say truth many”, a very hostile demeanour was noticed. The Roman Catholic Bishop of Down relates with glee that the “Chiefs of our Faith” had tendered their swords to Strafford, and Robert Nugent, the Superior of the Irish Jesuits, despatched three chaplains to attend Strafford’s expeditionary force, which he describes as “just, honourable, and useful”.⁴ Even the mercenary soldiers in Madrid had their own views on the situation. “Go to Ireland and raise a rebellion! I will not”, said Colonel De Burgh to the Inquisitor General. “The country would not rise if I did. They are too well used. It would be vain and would only do harm.”⁵ When the rising did come a year after Strafford’s downfall, on

1) L. S. II—112.

2) Cowper. M. S. S. II—230.

3) C. S. P. 1592—493.

4) S. O. I—236, 238.

5) C. P. II—70.

the heels of a year of scandalous misgovernment, chaos, timidity and corruption its character shows how novel were the plans, how few and uninfluential were the leaders. "The Northern gentry", said Bellings, "took up arms blindfold without any precaution, without any foundation of friendship or intelligence abroad or correspondence at home". Relying on assistance from Argyle "a few bankrupt and discontented gentry", started what was not so much a war as a plundering foray, dignified only by the number of noncombatants they slew. To their astonishment the Scotch settlers refused to join them and ran up a red flag of their own.¹ It was only then that the relics of feudalism in Ulster and belligerent Calvinism became aware that between them was no tie, and outside was an angry and a hostile Ireland. During the Strafford regime all Ireland was mobilized behind the Crown. At no period in Irish history has insurgency ever attracted to its standard more than a fraction of the country. Even Bruce and Hugh O'Neill never mobilized a majority of the Province in which they operated. "With the assistance of the army"—a mere 2,000 men—"I will keep this Kingdom going on a right wheel, and that nothing shall stir against his Majesty but to their own ruin, and this I assume at the peril of my head."² Strafford kept his word at the peril of his head.

Antrim and Down however were the infected areas. True it was that the McDonnells of Northern Antrim, the O'Neills and the Magennis would gladly have devoured the settlers if empowered, but to arm them was only to make confusion worse. Such work had to be done by the State. The Army was increased to 2,000. One of the new Companies was entrusted to Lord Conway, whose estate lay on the borders of the area. No Company was given to the Earl of Antrim. "He is the grandson and son of your Majesty knows whom. He profereth services to your Majesty but attentively watches to do something for his own fortune and power."³ Antrim, alas, had not fared well at Court. He was bankrupt. A great feudal potentate whose resources were diminished,—alieni appetens sui profusus—was a dangerous enemy of State, and if Charles had never heard of Antrim, nor yielded to his projects he would have died a natural death. The

1) G. H. C.—17, 23.

2) Cowper M. S. S. II—230.

3) L. S. II—204.

castle of Culmore was placed by Strafford in safe hands. Up to this its custodian was the mysterious Barr. Now it was handed over to Colonel Robert Stewart, who, for reasons Scotch, loved not the Covenanting Lords.¹ Barr seems to have exercised considerable influence to retain this important position in his power, but it was of no avail.² Five hundred men were put in Derry, Colrairie and Carrickfergus.³ One Company, "all Scottish" was recaste, the men being scattered through other regiments.⁴ The fleet was sent to patrol the Channel.⁵ Twenty Canons and 8.000 arms were laid in store for emergencies.⁶ Five hundred men were despatched to Carlisle to garrison the borders. Half the remainder of the army was mobilised at Carrickfergus.⁷ The country was now safeguarded against internal commotion, or the greater danger of invasion. Nay more it was these preparations that threatened the flank of the Covenanters. To understand the importance of these preparations one should realise that, save for the Yeomen of the Guard, there was not a soldier in England. The Tudor and Stuart policy of governing Great Britain without an army was suddenly brought to the test of actualities. The Covenanting Lords by billettings, cess, coigne, livery, conscription and feudal authority were quickly in possession of a loose and heterogenous mass of tribesmen, officered by Swedish mercenaries, equipped with arms, accoutrements and artillery, which can only be explained by subterranean aid from Richelieu. Save for the militia—and a hundred years of peace had made it not only a farce but an unpopular farce—Strafford's army was the only force on which the King could rely. Never again were the Imperial authorities destined to make such an error. Cromwell kept a standing army of 30.000, nay bound himself to this function by a clause in his Protectorate Constitution. It is not till one compares this large force of professional soldiers with the tiny body guard of the Tudors and Stuarts, that one realises how free they must have felt from the danger of internal commotion, and how chaotic and disorganized must have been the state of the three Kingdoms to compel Cromwell to maintain such a large and expensive force.

So much for the military precautions. Ulster, however, was

1) L. S. II—79, 113. 2) C. S. P. 1625—1660—280—321. 3) L. S. II—233.
4) L. S. II—296. 5) L. S. II—314. 6) L. S. II—328. 7) L. S. II—338.

honeycombed with Scotchmen. Strafford estimates the number capable of bearing arms at 40,000. It was noticeable that, after the disturbance in Scotland, many began to appear in public with their swords, a thing they had never done before.¹ That all were not affected by the contagion we know. That the majority were Strafford frequently asserts. Feudal and National ties were the cause. It is impossible to assume that the average Scotch settler would have flung everything to the winds and rushed to the hills on a religious cry. Men do not do these things unless they or their friends have been deeply wounded in life, limb, liberty, and property. The Irish Government had done none of these things. No man had been fined a penny or imprisoned for a minute, or even summoned before a tribunal from one end of Ulster to the other for anything, bearing the faintest resemblance to religion. England was at this period in the throes of a series of prosecutions for "secret conventicles". In Ireland no such prosecution had ever been undertaken. There is no record of one. On Strafford's fall neither the Scotch, nor the English Puritans, nor the Irish Parliament even alleged that, up to the time of the revolt in Scotland, any man, woman, or child had ever been indicted for a "secret conventicle". It is even doubtful if the Government had the power to do so, and certainly Strafford could never have committed such a blunder as to exempt Roman Catholics from the Recusancy fines, and impose them on the Scotch Calvinists. Blair when deposed "ordinary preached in his own house, and sometimes in other houses, and sometimes he and his brethren did go into their churches".² Livingstone "preached every sabbath at the iron furnace at Miloor", of which Barr was manager.³ Nor were these services unknown to the authorities.⁴ A regime such as this was scarcely calculated to set multitudes agog for "red ruin and the breaking up of laws".

That however, the Scotch were profoundly affected by the uproar in the land of their birth is undeniable. Ancestral ties, feudal ties, the slogan of liberty, the little they had to lose and the plenty they had to gain, undeniably prejudiced this large multitude of labourers and cottiers in favour of new things. "The basest sort of people without land or families" are all that emerge

1) L. S. II—233. 2) A. B.—83. 3) J. L.—22—23 4) C. I. XII—54.

as rioters.¹ Strafford aimed one of his enforcements of law and order at the "under Scots" alone and not at the Squirearchy. In fact he asserts that "few landowners" were affected by the commotion.² Bramhall one time remarked that "they have neither Lords to encourage them, nor Ministers to incite them".³ This is accordingly the one case in Stuart history of a peasant and labourer revolt and was very much akin to the Whiteboy movement of a later generation. What had embarrassed the situation was that, in the Plantation area, Strafford was unpopular. He had compelled the Planters to carry out their Plantation Covenants. The one class therefore in Ulster that could have acted as a check on this peasant revolt stood aloof. Strafford dare not call out their musters. There is no evidence that they acted with the emigrants in Antrim and Down, but undoubtedly they sulked in their tents.

If Argyle landed a few shiploads of arms in the infected area anything might happen. Strafford simply hemmed them in with men and ships. It is significant that he placed over the standing army that operated in Ulster—all of whom were Irish Protestants—Sir Robert Stewart, a Scotch Calvinist, and Sir John Borlase, an English Puritan. No one at this stage could accuse him of "using Papists to suppress the Kirk". When religious storms rise high in Ireland, it is always best to employ officials of the same religion as the belligerents. It undoubtedly deprives the *jehad* of its sting, and considerably annoys the rebels. Loyal servants of the Crown too can always be procured in large numbers from any religious denomination required.

It is at this period that the Court of High Commission and the Ecclesiastical Courts were utilised. Strafford's strategy was to use them either to exact from the principal Scotch a repudiation of the Covenanters, or "send them back to their fellows in Scotland, placing better subjects in their stead".⁴ His instructions from London were to do nothing till Civil War was a certainty in Scotland.⁵ At the close of 1638 the Scotch went into rebellion. At the Scotch Parliament they demanded a whole series of concessions which struck at the root of all Government.

1) C. S. P. 1641—274. 2) R. C.—206. 3) C. I. XII—61. 4) L. S. II—273.
5) L. S. II—231.

Hamilton dissolved the Assembly. They refused to dissolve. They expelled all the Bishops. They abolished Episcopacy. They confiscated all tithes and Church Lands. They formed a confederation in which each man swore to resist by force of arms any infringement of the principles they had enunciated. They imposed this oath on all and sundry and on large multitudes "who had not so much knowledge of an oath, of religion or of the confession of faith as a child of seven years old", and that by the drastic method of a black list of all who would not swear.¹ They imported, arms, artillery and mercenary soldiers. They taxed all their tenants at the rate of one soldier for £ 80 value of land.² Wherever there was any hostility they let loose their levies of highlanders, carrying off "corn, butter and cheese and killing all the cattle". For this insight into the local intimidations of the austere Covenanters we are indebted to Captain Owen, one of Strafford's naval Captains, who caught one of Argyle's kinsmen returning from a foray. Captain Owen enticed him on board by a tale that he had a priest there as his Chaplain, and Colin Campbell, who saw nothing curious in fighting the battles of Presbyterianism while entertaining strong Roman Catholic opinions, fell into the trap, and was carried away to Dublin, where he was incarcerated for "barbarous usage of the inhabitants" of the Scotch isles.³ Thus did what began as a protest against matters religious develop into a soviet, legislating on matters temporal, pass to the confiscation of property, the banishment of subjects, chaos, plunder and murder.

This development necessitated urgent action. Blair was in Scotland playing a very active part in these proceedings.⁴ Barr adjourned to Scotland, swore to the Covenant and then returned to Ireland for the purpose of pushing through a project to vest the Derry Plantation in the Marquis of Hamilton.⁵ He was immediately arrested on a charge of treason. A curious episode in connection with him is that he was in possession of a document exempting him from arrest.⁶ On a public repudiation of the Covenant he was released.⁷ Sir John Clotworthy also adjourned

1) R. J. A. P. VI—10. pp. 29, 36.

2) L. S. II—277.

3) L. S. II—361, 362.

4) L. L. VII—465.

5) L. S. II—229.

6) Cowper M. S. S. II—197.

7) L. S. II—341.

to Scotland "to salute the Kirk".¹ He seems however to have returned to Ireland and lived there unmolested. A more serious matter was the prosecution of Robert Adair, who was a Magistrate, a small landowner in Antrim and a large landowner in Scotland. He not only took the Covenant, but played an active part in besieging one of the King's Castles. Strafford pounced on him, and indicted him before the local sessions at Carrickfergus, where he was fined, imprisoned and his estate escheated.² This drove the few owners of property who were in this movement to flee to Scotland. Leslie seems to have been only able to trace five, none of whom were of any importance, being either small farmers or shopkeepers.³ All wisely took the precaution to sell what goods and lands they had before running. "God send honest men to buy them" was Laud's comment.⁴

So much for the open belligerents. The next step was to get rid of those who were suspect. The High Commission and Ecclesiastical Courts were used for this purpose. Those whose sympathies with the rebellion were suspected, were served with writs to appear before these Courts as Nonconformists. Where conformity was immediately shown no further steps could be taken. Their conformity, however, where it occurred had a most demoralizing effect on their hold on the multitude. The average Covenanter, however, served with such a writ fled. No man who had been implicated in the conspiracy dared to face the Court, not knowing what evidence was about to be produced. Livingstone for instance, fled rather than face a trial. He says that it was one of Barr's servants who warned him of the issue of the warrant. It is, however more likely that this servant was deliberately told, so as to frighten Livingstone out of the Kingdom.⁵ There is no case on record, nor was there ever one alleged of a man fined for Nonconformity, as a careful choice was made of those who were to be sued, and the "ill disposed" simply defaulted. In other words the Government reverted to the Elizabethan method of using religious laws to strike at the "ill disposed", while as Elizabeth one time put it "not straining in conscience such men as Luke Netterville", one of the civil gentlemen

1) L. L. VII—464. 2) L. S. II—219; C. S. P. 1641—291, 292. 3) L. S. II—227. 4) L. L. VII—514. 5) H. P. C.—204.

of the Pale.¹ This was why Strafford was able to boast, at his trial, that his Ecclesiastical Courts had never fined a man for Nonconformity.² What would have happened if the Ulster Covenanters had stood their ground and appeared at the Court, submitted to a fine, and then stumped Ulster as Martyrs is a nice problem for speculation. It was a very sore point with the Parliamentarians at Strafford's trial that they could not produce one victim from Ireland of "prelatical tyranny", save vague reference to those "who fled to Scotland".³ "There was", in Bramhall's words, "no clamour against the High Commission, but an opinion of justice".⁴

Those who had sworn the Covenant, and those who were suspected of having sworn the Covenant were now gone. They were few and select, but there remained the many headed multitude who were ablaze with excitement over the great deeds being done in Scotland and the prospect of Argyle's arrival and "*panem et circenses*". To understand this excitement one must realize that North Down and South Antrim was in pretty much the same state of development as Southern Ireland in the earlier days of Queen Elizabeth. The Scotch crofters and labourers were akin to one of the belligerent tribes, with this difference only that they owed allegiance to no chief, with whom one could deal.⁵ If they submitted to anyone it was the revolting Lords of Western Scotland, from which area they all came.⁶ Sir Philip Warwick asserts that till Strafford came they formed "a self subsisting Corporation" and had "no awe for the Government".⁷ Leslie says that one of the difficulties in dealing with them was that, when prosecuted, they used to retire on to the estates of some Scotchmen in the Plantation, where pursuivants had no right of entry, owing to the fact that many undertakers had, in their patents, Courts Leet and Baron.⁸ It might be added that one of the sources of Strafford's undoubted unpopularity among the undertakers was his steady reduction of these liberties, privileges, and immunities from the Common Law, which had perished in England far back in the reign of Edward I.

1) L. L. VII—464; L. S. II—227, 231, 273. 2) R. P. VIII—28. 3) Cowper M. S. S. II—280. 4) C. I. XII—65. 5) A. B.—66, 67. 6) L. S. II—227. 7) S. T. IV—200. 8) L. S. II—219.

It was Dr. Robert Maxwell, the Dean of Armagh, who first drew Strafford's attention to the danger of this large, riotous, and self retained mass of subjects. He discovered a constant traffic between the Copeland Isles and the West of Scotland, and pointed out the danger of Argyle making a midnight mobilization on those Islands, and attacking the mainlands at dawn.¹ Leslie had already pointed out the absurdity of extending the High Commission Warrants from the principals to the multitude. The infection had spread so far that to make Conformity the test would "fill all the gaols in Ireland". As it was, not even the Church wardens were reliable, and one of his ecclesiastical Courts had been rushed by a mob.² Strafford now determined to put matters to the test, and to beat down this movement with a strong hand.

He sent for all the leading Scotch gentry of the infected area. He told them that their loyalty was suspect throughout the rest of Ireland, that it behoved them to rid themselves of this suspicion: that the only way it could be done was to petition that the oath of allegiance be imposed on all Scotchmen in Down and Antrim. Sir James Montgomery was the only one who demurred. He tried to evade the dilemma by pointing out that the rebellion only affected Scotland. Of it they in Ireland had no cognizance. "Sir James", retorted Strafford, "you may go home, but if you do not petition it will be worse for you." So Sir James afterwards pleaded, alleging intimidation and thus trying to evade the unpleasant fact, that he was one of those who asked that the oath of allegiance be tendered. Lord Robert Dillon, Sir Adam Loftus and Mainwaring were however emphatic on the point that the assemblage cheerfully assented to the petition. Strafford says that he toned down the wording of the petition they tendered lest "it might be turned too strict on them". It is more than probable that, however anxious the Scotch gentry might have been that Strafford should take the responsibility for this step on his own shoulders, they had very little sympathy with the riotous multitude. None of them were kinsmen or dependants of the revolting Lords. Three of them, for instance, were Stuarts. One was a son of Dr. Echlin. Two were Roman Catholic

1) L. S. II—355. 2) L. S. II—227.

Hamiltons, and another was Claneboye, who, whatever his religious sympathies were, was to be thoroughly trusted when it came to riots calculated to impair the value of his rents. The remainder were Scotch bourgeois, who had invested money in the purchase of land, and were therefore unlikely to yearn for a revolution to be worked either by Argyle or their labourers. Suffice it to say that they all signed the petition.¹

It was indeed a ticklish moment. Strafford had promised the King either to procure this petition, or to enforce the oath on his own responsibility.² It constituted the 19th article of his Indictment. The prosecution relied on the obvious fact that there was no power in law to impose an oath of allegiance on the private subject. At this time, however, the power always lay in the Crown, especially in Ireland, of filling up by Proclamation gaps in Statute law where necessary, provided these Proclamations did not infringe Common or Statute Law. The petition took the sting out of the attack, and the assent of the Council and all the Irish Law officers undoubtedly hampered the prosecution. The charge of treason became futile, when it was revealed that the same thing was done in England, and the production of a Royal warrant for what he did hoist the Parliamentary lawyers with their own petard. The very House of Commons felt that, after they had embraced the Covenanters and their oath of rebellion, there was something beyond all reason in prosecuting for treason a Royal Minister who imposed an oath of loyalty. The 19th article was not one of those enshrined in the Bill of Attainder. It was undoubtedly, however, this act of Strafford's which made him the most hated man in Scotland.

The enforcement of that oath however on the Scotch was a partial failure. At that time there was none of that local machinery we now possess. It had to be done through local Commissioners, and many of them no doubt felt qualms as regards their future safety. During Strafford's trial, for instance, a clergyman who was one of these Commissioners was driven out of his Church by threats and menaced with knives.³ Only four refused to take the oath. They were tried, imprisoned and fined.⁴

1) L. S. II—344, 345; R. P. VIII—489—514. 2) L. L. VII—526. 3) C. S. P. 1641—274. 4) R. P. VIII—297.

In another case a clergyman of the name of Bole defied Lord Claneboye, who was the Commissioner for Killelagh and, having secretly advised many not to take it, tried to evade the oath by substituting vague expressions of loyalty. In the end he submitted, was temporarily arrested and then released.¹ Claneboye's activity in this matter is worthy of note as he was the patron of Calvinism in Ulster. Strafford knew that he had asserted that "the Covenanters would be glorious to posterity", but, provided he fulfilled his duties as a Magistrate, the Deputy turned a blind eye to his personal views.²

The oath had a most demoralizing effect on any sedition in Ulster. By no strain of the imagination could it be twisted into a religious significance. It simply denied the right of the subject to take arms against the State. At Strafford's trial the prosecution failed to find in it any reflection on any man's religious views, though they made a great flourish with the fact that it was not imposed on the many Scotch Roman Catholics.³ Churchwardens, householders and all persons of means and position were at one full swoop forced publicly to disown the conspiracy, and the moral effect undoubtedly was widespread. Claneboye's despatch, however, shows that many evaded the oath by hiding on the day the Commissioners came round.⁴ Sir John Clotworthy swore that "many fled to Scotland, and very many fled up and down the country, and many were apprehended and censured".⁵ Strafford subsequently wrote "Many thousands in the North never took the oath", and many of those who did, after the battle of Newburn, "discovered it as an unlawful oath".⁶

Nevertheless "the Black Oath" had its effect. Nothing demoralizes multitudes so much as the fear of being in a minority, and the spectacle of parish after parish repudiating the Covenanters, and siding with the King, made even those, who escaped the Commissioners, loathe to stir. There was only one scare. A plot to take Carrickfergus Castle was detected. The Conspirators numbered about twelve, half English, half Scotch. They were arrested and one was hung.⁷

When Strafford left Ireland all was at peace. For the year

1) L. S. II—382, 384. 2) L. L. VII—509, 538. 3) R. P. VIII—494. 4) L. S. II—382. 5) R. P. VIII—493. 6) R. P.—209. 7) R. P. VIII—511, 512.

that intervened between his departure and his fall, despite disaster after disaster that fell on the King's party, not a murmur came from the North. All the rest of Ireland remained loyal. It was not till after his fall that the elements began to stir. They stirred because every detail of his administration was reversed, every maxim of his statecraft discarded, every concession made to the "ill disposed", and every discouragement given to the law abiding and the loyal, without whose aid Governments are mere simulacra of authority.

PART. V

THE LAND QUESTION

Chapter I

THE FALL OF FEUDALISM

The people almost generally have been taught to look for other resources than those which can be derived from order, frugality, and industry. *Nihil non arrogant armis*. Besides this the retrograde order of society has something flattering to the dispositions of mankind.

BURKE.

The real clue, for instance, to the extraordinary volume of land. Those who seek to solve the extraordinary alliances, curious rebellions, and spasms of peace by the test of religious, racial, or political formulæ soon find themselves involved in a morass of bewildering inconsistencies.

The real clue, for instance, to the extraordinary volume of support the Crown attracted from the bulk of the nation was the eternal desire of men for security of agrarian tenure. The Crown, with its vast reticulation of forces, its glamour, percolating influences, Argus eyes and traditional authority was the only force, that could guarantee to an owner of land anything like perpetuity of possession. The mobs might evict for a time, but an estate depending on nothing but the fickle whims of a local cabal fetched very little in the open market. Men preferred parchment, with a seal attached, and, on the seal, the letters "E. R." The influence that has lands at its disposal, is the master of Ireland.

The Tudor period is the struggle of the autocracy with the "Great ones", with men who knew no law, save their own wills, men whom all Western Europe was determined to destroy. Feudalism was fast approaching its end. How came this Feudalism into being? Far back in the ages Western Europe had sought comfort in tribes and communes, owning their little areas in common. From this sprang the right of each member of the commune

to a strip of the common land.¹ In the 17th century Sir John Davies found in Fermanagh "an exceeding great number of freeholders", each one calling himself "a lord", descendants of the dominant clans, and still retaining certain of the clan customs.² We find relics of the same intense zeal for agrarian possession in the remarkable subdivision of holdings in the backward regions of Connaught and Wicklow, where the land being too rocky for the barons to convert into demesne, clans had every generation divided, and subdivided below the economic level. In 1604 the Crown escheated in Wicklow 70 "estates", some of them but 2 acres in area.³ The Wexford Commissioners discovered a gentleman in possession of 60 acres scattered over 5 "villages", so far had divisions and reappotments of the original common, confused the once simple system.⁴ One thing however emerges clearly beyond yea or nay. Common lands had vanished by the Tudor period. Saxon tribalism preserved them right down through the ages. Celtic tribalism "passed" them rapidly into private hands. Every effort to create commons met with the same fate through what Strafford used to call "that wish to prefer particular ends to the detriment of the Commonweal". The commons of the Norman cities were short lived. The last of them fell to the Nugents in 1589.⁵ Those created by James round the Jacobean cities lasted barely 20 years. The Down survey shows that the Jacobean Commissioners had created a fair number in 1610. One only, that of Killelea, survives to-day. So perished the primitive democracies, based on the primitive conception of equal rights for all to the common land. In 1613 in North Wexford the areas of three tribes were held by 667 persons, and 14,500 had no title by Law, Tanistry, custom, prescription or possession.⁶ When the State declared war on the feudal Lords and the Chiefs—by no means loved by those landless serfs—a large number of those without land went with the Crown in the hope that *novae res* might mean estates for all. At any rate it meant exemption from Feudal dues, which were many and manifold.

The clans as they grew had developed into privileged strip owners. The strip owners had developed into something more peculiar. Primitive clandon undoubtedly had reserved the allo-

1) S. C.—68. 2) D. H. T. I—243, 244, 258. 3) Erck I—143, 175. 4) C. S. P. 1620—306. 5) M. P. R. Elizabeth p. 189. 6) H. C. I—372—376.

cation of land to the village council, and this custom survived in England in the Saxon period. It was obvious however that this could not last, and the rise of the princeps was inevitable. He had appeared in full blast in Gaul in Roman times, when he allotted the strips. The locus classicus for this form of tenure is an Inquisition held at Mallow in 1596. It relates that certain O'Callaghans had the right to a strip of the O'Callaghan lands, but that O'Callaghan could allot that strip, and could move that tenant from one strip to another.¹ It was this power the growth of ages, the outcome of necessity and tradition—two very potent elements in history—that had made the chiefs the great power that they were. One can of course, instance cases where the right had fallen into desuetude. One can instance, however, far more where it had even extended to the conversion of the clan area into the Lord's demesne. The rights and prerogatives of the chiefs were once vitally necessary. They emerged during that terrible century when the Lancastrian kings shivered on their English thrones, when the Feudal barons ruled England and did what they listed, when Bruce swept over Ulster and the Norman civilization perished, when every man had to seek security as best he could, and rural Ireland fell back on principes, minor barons, greater barons, a host of pashas operating under the direction of about a dozen great feudal Lords. The need for these autocracies was now passing away. England was consolidated under the Tudors. That virile dynasty, assisted by many friends, was slowly asserting its claims to the Irish throne. It rose over the Irish horizon bringing with it law, order, patents, trial by judges and the common law, and above all "freedom from their Lords", abolition of "tenancies at will", and "each man to hold of the King". Anyone with the faintest conception of the mentality of the small holder—above all of the Irish small holder—will understand how it came to pass that the Tudors blossomed into Kings and Queens of Ireland, not only in law, but in fact, Sovereigns with none above them save the Almighty, for whose ordinances, on occasions of State policy, the Tudors had very little respect. This however did not mar their popularity in Ireland. Land and security were Royal virtues outweighing all other considerations.

This policy, however, of "making men hold of the king" was

1) M. P. R. Elizabeth p. 261.

but subsidiary to one far greater import, but the corollary of the prime necessity of the moment, on which Prince and people were at one, madly, ferociously and sincerely at one. The terrible history of the Tudor epoch, the ferocities, executions, assassinations, burnings, devastations, all of which seem dignified and stately compared with the slime and stench of mediaevalism which stains every page of the State papers, had their origin and justification in the one hope of civilization, the disarmament of the feudal barons, the abolition of the right of one subject to "make war" on another. Admit that principle and we perish! During the hundred years of the Lancastrian epoch, when the right was admitted, the population of virile England actually sank. England evolved the Tudors to remedy that disease, just as a century later she produced Cromwell, and as, in another century, France fell back on Napoleon. He who cares to read the County histories of England during the 15th century will understand why a race that loved liberty more than any other in Europe hailed with joy an Oriental despotism. Ireland a generation later was moved by the same emotion.

It stands to reason that a King is no King, unless he has a body-guard. In fact the reason why humanity evolves Kings is that there must be some one to rule the professional soldiers, who, by nature, pay little regard to senates, even if composed of philosophers and angels. The early tribes had a loose system called *Bonnaght*, whereby the Chief, then more a headman than a king, could tax the strip owners to maintain an army of protectors.¹ Tacitus says that the German tribes always maintained professional soldiers, and, when a tribe was at peace, they took service under a neighbour. During the Norman regime we hear little of this institution. Contrary to tradition the Norman rule of Ireland was singularly peaceful. Wars there were, but they were few and rare, compared with those of a later generation. On the invasion of Bruce this civilization collapsed. Ulster disappears into anarchy and devastation. Connaught relapsed into a curious mixture of semi-feudalism, semi tribalism. Munster and Leinster fell back on this *bonnacht* and stemmed the tide of reaction by the creation of a military caste. The Earl of Desmond placed all Munster under *Bonnaght* or *Coigne* and *Livery*. Every land owner paid

1) D. H. T. I—132.

tribute for this protection. Desmond in one short year raised his Palatinate revenue from 1,000 marks to £ 10,000, and became de facto master of a Province.¹ With the revenue so obtained he stemmed the tide of anarchy and invasion, but the price paid was heavy. The infection spread all over Ireland. Coigne and Livery became the great feather in the feudal cap. It was the sinews of war. It made one subject into a Baronial captain. It reduced the rest to tenants at will. A baron with armed men at his disposal, and no Deputy or Sheriff to hold him in check, was a much more aggressive personality than a modern Landlord, bound with the fetters of the common law, hampered by convention, and compelled to act only through the magistrate and the policeman. Coigne and Livery too were indefinable. The other feudal incidents were defined, so much support for so many men so many times a year. This, however, was "horse meat and man's meat for whatever company the Lord pleases, whenever it pleases him to come". Let a tenant or a tributary offend his overlord, and this weapon was at the Lord's command. It had arisen out of dire necessity, for great purposes, every where applauded. It had culminated in the worst tyranny under which Ireland ever groaned. The State Papers are one long screed of lamentation on the part of minor men, imploring the Crown to enter in and abolish these "uncertain exactions". Great Lords themselves appear urging the Deputy to rid them of the supremacy of one greater than them. All "the Captains of Ulster", themselves men of power, one time petitioned Elizabeth to free them from the "Bonnaght and bordenous impositions" of Tirlagh Lynagh O'Neill.² Under them were minor Chiefs clamouring for a like relief. The whole system was on the verge of collapse, and the reign of Elizabeth is the revolt of the whole country, from "the uncertain exactions" of feudalism.

The Tudors were not humanitarians. Of the modern spirit of social uplift for the lower classes they had none. They had however an outlook on life, which can only be summed up in one phrase "*L'Etat c'est Moi*". Elizabeth was the State, the nation, the people, the personification of the multitude. She identified herself with the many headed multitudes of these Islands. If they were prosperous so was she. Their enemies were hers. No demagogue of to-day has ever captured a tithe of this curious spirit, this

1) D. H. T. I—143, 144. 2) M. P. R. Elizabeth p. 66.

mixture of benevolent despotism and unerring instinct for the whims of public opinion. What was more, what was the real secret of the strength of this dynasty was that it would tolerate no great subject. By law, by force, by diplomacy, by intrigue, by executions, assassinations, and, on occasions by poison the Tudors pursued this aim relentlessly, and with all the determination of the Tudor character. In doing this they were but fulfilling the national desire. Any method and every method was employed by suffering humanity to rear some residuum of authority, some form of State with a visible and active head, able to say "this shalt thou do, and this shalt thou not do", and to say it fearlessly to "men of power", and to punish disobedience with death, so that the ordinary subject could live in peace.

Now Coigne and Livery was the negation of this. It was the war-tax of the anarchs. With it they were captains of seignories. Without it they were no better than John Doe or Richard Roe. Against this practice the State waged a bitter and unceasing war. The Statutes of the Irish Parliament on this subject are savage in their intensity. It was treason to levy Coigne and Livery. To pay it was a misdemeanure. To complain of it elicited a reward. Patent after patent is studded with covenants against its renewal. Every Chief "on submission" had to swear never to enforce it again.

Never was there such a popular cry. All the cities, all the Pale, all the minor men throughout Ireland, all the rivals of the existing chieftains stampeded madly in the direction of the Crown. Here is a typical indenture. "Indenture between the Lord Deputy and Council and Edmond Duff and the Freeholders of Kinsella. We exonerate Duff and the freeholders from the extortions they have sustained from the Kavanaghs, whereby they were much oppressed and impoverished." Then follows a patent for their lands, and a rent of 20 sheep and 29 pecks of oats.¹ Here is another glimpse of the Earl of Desmond's hegemony, the Earl who had insisted on his right and his right alone to rule Munster. "The Septs of McCarthy, Sir Owen MacCarthy's son, McCarthy Reagh, the sept called the O'Driscolls and the sept called the O'Sullivans in the last troublesome rebellion and before showed

1) M. P. R. Edward VI—288.

themselves most dutiful and loyal subjects.”¹ Here is a petition of the Macgheogans. “We cannot endure Brian’s Irish exactions. Discharge us thereof.”²

It was these “exactions” that had reduced the strip owners to the level of serfs. It was by these exactions that the chiefs had risen to their mighty eminence. Apart from custom which sanctifies many abuses, their military power had enabled them, at the close of the Lancastrian era, to extend them far beyond the originally light tribute for protection. Here is an example of a chieftain extending his exactions over his neighbour, “O’Rourke to the Lord of Killeen. “I make suit unto you for the good horse you have. For the same I will bind myself yours to command in everything, not doing you any hurt. If you do not send me the same horse I will, with the help of my friends, go to your house where I will not in the way of courtesy crave anything at your hands.”³ In two centuries this process of blackmail and tribute had turned the original strips of the freemen into plots, to which they were adscripti, on which they laboured to maintain hordes of philibusterers. What a chasm lay between the overlord with his janissaries and the clansmen, is revealed by a description of Fermanagh. There the Crown Commissioners found that none of the clansmen save two, had been in rebellion, and that the chief had held his realm in awe by professional “men of action” imported from Connaught.⁴ The cost of this imposition must have been enormous. In the Stuart epoch the Crown had the greatest difficulty in collecting taxes for a modest army of 2.000 men, and that at a time when the country was basking in prosperity. The number of swordsmen retained by the chiefs must have exceeded 20.000 and this does not include their dogboys, bards, servants and peaceful retinue. How far these exactions had eaten into the economic value of the free strips is revealed in the pages of the Inquisitions. If a freeholder was slain in rebellion his estate was escheated. The commissioners then estimated the value of the escheat accruing to the Exchequer. They had first to value the plot, and then deduct the value of all the different dues accruing to different Lords, the Local Chief, the Overlord, the March Captain, the great one of the Province, and, of course, the Im-

1) C. S. P. 1592—12.

2) C. S. P. 1592—63.

3) C. S. P. 1595—478.

4) D. H. T. I—255.

propriator of the tithes. The Locus Classicus for this state of affairs is an Inquisition held at Newcastle in 1604. The average value of the land "free of reprisals, impositions and other charges" is 1d an acre, a third of the abnormally low rental placed on planters in the plantations.¹ When the commissioners were dealing with the Desmond estate this was exactly the state of affairs they found. They related that the innumerable dues were "greater than all the profit of the land could then or now can answer".²

This aspect of the agrarian question is of vital importance. It was the development of these dues that brought feudalism down with a crash. It was their abolition by the Crown that drew the teeth of the fiery dragons of Celtic septom. What is more it explains the equanimity, with which the small holders regarded the escheat of their strips in the plantations. These strips were so burdened with a multitude of dues that they were worthless. When an owner surrendered his plot and got in lieu a 60 years' lease at a fixed rent, it was, as it were, a promotion from serfdom to liberty.

Feudalism could not resist the revolt of the minor men when supported by the Crown. Least of all could it do so when, in each compound, the Lord had rivals to his throne, and on his borders angry enemies. The crash came when Bingham entered Connaught and, by a little diplomacy, compounded all Coigne and Livery for 1d an acre. For 12 years he ruled that Province without asking the exchequer for a penny, and ruled it with Irish soldiers and Irish "risings out". On the fall of Desmond all the impositions were destroyed as in Connaught, and a composition to the Crown paid instead. Wherever the movement spread this was the Imperial method, a tax to the Crown to enable it to abolish Coigne and Livery. By the reign of James it was dead. It was a crime to revive it, or to extend any existing feudal incidents. The great Lords were now but as ordinary subjects—everywhere except in Connaught, where by political influence in Dublin, they procured patents, perpetuating all the feudal incidents to themselves, while exempting themselves from feudal incidents to the Crown.³

1) Erke I—142—151.

2) C. P. S. 1592—4.

3) T. C. D. F. 3. 16.

Chapter II

THE DISTRIBUTION OF ESTATES

In all mutations — if mutations there must be — the circumstances which will serve most to blunt the edge of the mischief, and to promote what good may be in them, is, that they should find us with our minds tenacious of justice, and tender of property. BURKE.

At the same moment as the country was seething with civil war over the feudal dues and incidences, the question of the tenures rose into prominence. These dues were originally tributes for protection. In the lapse of time they had approximated to rent, and from that the transition to ownership was easy. The State was now arising as the protector of the subject. The eyes of men were looking to the Sovereign as the overlord. The justice and expediency of the dues was ceasing to be apparent. With their lapse the minor men began to claim their plots as their own, and the lords to insist that all the area over which they levied black-mail was theirs in demesne.

It is useless at this date to argue the pros and cons of this question. Historians who are eloquent on the wrongs of the Lords, or the rights of the tenants, forget that, in every parish, there was a different system. He who wishes can find clans with all their independent clan rights, areas where the freeholders were freeholders, areas where the Lords had the right to move the tenants, areas where they had not, baronies held in demesne with all the tenants as serfs, monocracies, oligarchies, confederations, democracies, communes, devastations, wastes, congested districts, vast grazing tracts, and densely packed uneconomic strips. One can no more generalize on the rural problem than on the development of Christianity. We can, however, lay it down as a general rule, that Ireland had developed into fifty or sixty monocracies under

about a dozen Palatinate Lords, with all power slowly converging into the hands of the reigning chiefs. De facto this was the general rule though there are many exceptions. The Commissioners of the Munster Plantation received orders to escheat the Earl of Desmond's demesne, but to pass to the minor men their freehold strips for which they had paid tribute and not rent. The Commissioners spent years over the problem. Here is one of their reports. "It could never be decided whether the chargeable lands were the traitor's inheritance that had the rents and spending thereof, or whether they were the lawful inheritance of such the tenants, whose ancestors had enjoyed the possession thereof many descents. It is probable that, in the beginning, some of the tenants were freeholders, and others but tenants-at-will to Desmond. How to distinguish them we know not." In this case the Commissioners' solution was to leave the minor men the land, subject to "the certain rents" they used to pay Desmond, and a composition of 1d an acre in lieu of the Coigne and Livery.¹ In this Province the reallocation of an area of something like 4 million acres took about eight years. The claims of Desmond's Captains over minor men, of minor men over clansmen, of clansmen over serfs involved much legal ingenuity. In the end a large proprietary of minor men were created in East Cork, South Tipperary and Limerick, of clansmen in West Cork, and of seignoral Lords in North West Cork and the greater part of Kerry. The Books of Survey and Distribution show that this was the general tenor of the tenures on the eve of 1641. In the Jacobean epoch the greatest territorial proprietor in the South of Ireland was Daniel McCarthy Riogh "a man of great dependency on the sea coast in County Cork", and Sir Donogh McCarthy, subsequently Lord Muskerry, a greater owner of Church Lands even than the Earl of Cork. These two Lords seem to have retained all their estates in demesne, but the O'Sullivan area was subdivided among minor men. In this we see the general tenor of the whole land settlement. The Crown took the line of least resistance everywhere, when state policy did not compel it to do otherwise. When the chiefs were in possession, and when a subdivision would only provoke upheaval the chief got the lands. When the minor men were active the chief was cut down to his demesne. All were liable

1) C. S. P. 1589—256.

to a head rent and a composition in lieu of cess, the latter of which amounted to £ 1.200 per annum in Munster.¹ The Crown seems to have "passed" away large slices of the Desmond demesne to satisfy conflicting claims, as all it retained as Crown property for division among undertakers was 202,099 acres. When we remember the vast Desmond hegemony and the large number of freeholders slain in rebellion, it is impossible to regard this as the maximum average that should have legally come to the Crown.² Suffice it to say that, for half a century, there was perfect peace in Munster, though the Government had some difficulty in collecting its rents and compositions.

Munster was an easy problem with which to deal. The defeat and death of the Earl of Desmond had given it an escheat of the whole Province, and compulsory powers over something like four million acres, though these powers, of course, were severely restricted by the difficulty of doing what the authorities wished. On paper the Crown had similar powers elsewhere. The Earldom of Ulster had come to the Crown through the Mortimers. That great Palatinate involved all Connaught and the greater part of Ulster. On the accession of the Tudors the Imperial authorities began to re-assert all the Imperial titles, which had lapsed during the Lancastrian regime. In the reign of Henry VII. the Irish Parliament re-asserted the Royal title to these hegemonies, and, as in the stirs, the records in the castle of Trim had been burnt, it was decreed that the onus of proof of title was to lie on the occupier, and not on the Crown.³ To us in these days of statutes of Limitation, such a title may seem a strain of legal quibbles. In those days it was not so. The Earldom of Ulster was a title wherewith to conjure. If Henry VII. chose to assert his seignoral rights, he was doing what was in the eyes of all men right and proper. Those assertions of title too approximated far more to seignoral rights than ownership in fee, and, as things were in that century, as a rule, men preferred to have the King as their overlord than Clanricard or O'Neill. Irish chiefs living at their doors knew how to keep them in order. A King in London was a much more facile Landlord. The Statute of Absentees was even more effective. The Palatinate Lordships of about half a dozen great Norman lords, who had retired to England in the stirs, were

1) C. S. P. 1592—53. 2) C. S. P. 1292—57. 3) Act. 10. H. VII.

resumed by the authority that had created them.¹ In all these areas, where patents, or feoffments, or Church grants had not "passed parcels away" the Crown was legal master, and could say who was to have this plot, and who was to have that. When we remember that for 200 years wave after wave of invasion and revolution had surged over these territories, that the conflicting claims of clans and dynasts depended on nothing but the sword, and seldom on long possession, the legal fiction whereby the Sovereign became the actual owner, and the final arbiter, was the only method whereby this vast agricultural embroilment could be lulled.

On the defeat of the Earl of Kildare in the reign of Henry VIII. Ireland became aware that a new force had arisen on the political horizon. Like one man the overlords stampeded across to England to hail the rising star. O'Neill, Maguire, O'Donnell, Fitzpatrick, Burke, O'Brien, and a host of minor fry paid homage, received gifts, gowns, money, town houses and above all patents. From these patents sprang much trouble. They are extant. Their wording is careful. That of Con O'Neill's is "All the manors and lordships which he formerly possessed".² That of Burkes is "the castles and manors which he holds or formerly held". That of O'Brien's is "all the castles and manors which he at any time possessed". To minor chieftains, subordinate to these overlords, the King "granted their lands".³ The clue to these patents lies in the words "possessed". The Lord's demesne was all that he "possessed". It is as clear as noonday that all Henry VIII. ever meant to grant to these tenants in chief were their demesnes and chiefries, the lands round their castles and the feudal incidents. All the patents carefully rule out "cess" as an il legal exaction. If he had meant, for instance, to give O'Brien the Thomond Palatinate in fee, why did he draft a letter for the MacNamaras and the O'Gradys? To give these Palatinates away would have reduced the Earldom of Ulster to a nullity. Mr. Butler in his "Policy of Surrender and Regnant" suggests that Henry VIII. did grant the Palatinates, but, on the understanding that the Lords, were to create subtenures. This view is nearer the truth than the popular theory that he divided up

1) Act. 28. H. VIII. Cap. 3.
VIII—86, 87.

2) M. P. R. H. VIII—85.

3) M. P. R. H.

whole counties among one or two men. That this policy of passing areas to chiefs "in trust" for subdivision was once or twice essayed with minor lords by James is undoubted, but the grant to O'Briens feudatories, and to minor chieftains under Burke destroys this theory. Davies who lived nearer to those times than we do tore to shreds Hugh O'Neill's claim to hold all his tributaries as tenants at will by means of his ancestor's letter from Henry VIII. "There is no shadow or colour of doubt in this case," he wrote. "The words of grant are general, viz *"annes, terras, tenementa, hereditamenta, quae modo habet vel dudum habuit in Tirone."* The truth is that in those parts Con O'Neill had only a chiefry of 15 cows, a rising out of men, and was not owner of the land in demesne. The Earl should sue for his chiefry only. The patents to O'Brien and McWilliam, passed at the same time, have the same general words, yet neither of these two did ever presume to dispossess the ancient freeholders of their several countries. My Lord of Thomond was granted all the lands which his ancestors had on the West of the Shannon, yet the freeholders hold without contradiction of the Earl, whereas, if he were to make them tenants-at-will, such as the Earl of Tirone would make all the inhabitants of Tirone, his revenue would be increased seven fold, a thing which this Earl (who is the best husband of his estate that ever was of the mere Irish) would not let pass, if it stood with the law and his duty to bring it to pass. The same may be said of the Earl of Clanricard. Both being obedient to the law did not make any such unlawful and unreasonable changes."¹

Sir John Davies' view was subsequently corroborated by Thomond himself. That nobleman was very intimate with the State. When State policy in the Stuart era pressed to its extreme the creation of freeholders all over Ireland, Thomond reorganized all his Palatinate, dividing it up in tenures in capite. It should be remembered that he was one of the last of the Palatinate Lords, who had great official powers in their areas. A Royal letter of Charles I. reveals the fact that neither Thomond nor the Crown lawyers regarded the Tudor Patent, or any subsequent letters or warrant as vesting in the Earl the right to "pass" estates outside his demesne, and yet inside his Palatinate.² Furthermore, if this

1) C. S. P. 1607—211, 212. 2) M. P. R. Ch. I—220—230.

patent had any intention of passing to the Earl all Clare, Strafford could never have been able to procure a Royal title to Thomond, as he did in 1636. "A clear and undoubted title", he calls it, passed with the consent of the Earl of Thomond.¹ The same consideration applies to the Earl of Clanricard's patent. When Strafford sought a Royal title to Galway, the recalcitrant jury of Burkes never grounded their opposition on the Tudor patent, but on the right of the Crown to claim the Mortimer inheritance.² The subsequent disputes between Strafford and Clanricarde centred completely round the question of how much of Connaught was Clanricarde's demesne.

Thus we get the first germs of the land policy of the Tudors and Stuarts. The chiefs were to be given their demesnes in fee, Coigne and Livery was to be abolished, and the minor men were "to hold of the King". This even further embroiled the situation. The chiefs were not hereditary. They were chosen from a military caste of one or two families in the area. The death of a Chief, in possession of a patent, let loose some stormy passions. There was his heir by English law. There was a rival elected by tanistry by a general election of the free clansmen. There was the rival of the strong hand, one who was able to gather a band of swordsmen. Sometimes too there was a rival by State policy, one who assured the Government he would "maintain the law and hold of the Queen", if supported against the others. Miler Magrath has left on record a careful analysis of all the claimants among half a dozen Ulster clans. It reveals a furious internecine struggle in Ulster feudalism, each candidate obviously anxious to get the Crown sanction, and to prevent his rival or rivals procuring it in advance. This analysis of the internal pandemonium of waning feudalism reveals why it was that central and imperial Governments were rising all over Western Europe. Humanity would not and could not tolerate in a small country fifty or sixty independent reguli, beset by three times the number of rivals.³

All the later days of the Tudors were spent in pursuing this policy. Politics, religion, racial dissensions, all those questions which superficial historians assume to be the motive power of a country's upheavals, are, in this case, dominated completely

1) L. S. II—93, 98. 2) C.P.B.I—139, 151, 152. 3) C. S. P. 1592—497—500.

by claims to land. Sometimes it is a chief demanding a patent for all his hegemony. Sometimes it is his rivals demanding their share. Sometimes it is the minor men in revolt against such patents. Sometimes it is chiefs and clans claiming the lands of other chiefs and clans. The grievances, complaints, and demands are always in regard to land, and every "rising out" is terminated by a distribution of land. The greatest upheaval of the century, "the rising outh" of Hugh O'Neill, began with an agrarian dispute, and the terms on which he "came in" were that Henry VIII's patent to his ancestor was to stand good. Then O'Cahane declared he was not a tenant of O'Neill, but only a tributary. The Crown supported O'Cahane and O'Neill fled the country. Then O'Cahane demanded all his area in fee, and the Crown refused, and he disappears from the scene.

The reign of the Stuarts opens with the collapse of the "Great Ones" and agrarian confusion everywhere, a welter of contradictory patents, wrung at different times for political considerations, and enormous areas to which many laid claim, and to which no one had a legal title. The reign of James opens with three important Acts of state. The first was a Proclamation that all titles by tanistry were to be good in law between one subject and another.¹ This meant that, pending legal proceedings, the Crown would support the possessor of each strip. It meant that the chief could not move men from one strip to another. It meant that, on the death of a strip owner, his strip descended to his heir, and was not divided between his family or the members of the clan. The second was a proclamation forbidding the increase of any existing dues, rendering illegal all dues not stipulated in leases, or fixed by custom, all dues "uncertain", assessed by the "will of the Lord".² The third was a proclamation setting on foot a Commission of defective Titles, before which every strip owner and Lord—one could appeal without the other—was entitled to appear, bringing evidence as regards the dimension of his strip, or demesne, or dues, and the Commission had power to grant a full legal title.³ Through the medium of this latter body the Crown set to work to decide all the disputes between Chief and Chief, Chief and rivals, chief and clansmen, in regard to

1) H. M. C. XII—315; Davies. Law Reports. 2) P. R. J. p. 419. 3) B. I. —18, 19; Case of Tenures, Santry. 1639.

boundaries, title, rent, and dues, while reserving to itself in each composition some rent or tenure profitable to itself.

Antrim and Down alone reveal how dangerous it is to generalize on the Jacobean land settlement. On the accession of James the McDonnell of Antrim adjourned to London. There he received a warrant for the Northern half of Antrim.¹ James' sign manual urges the hasty enactment of this patent to "preserve him from the violence of bad kinsmen".² The Dublin Council drafted a patent, studded with covenants, in which we can detect their determination to see that he created manors, and in each manor "for his life" estates to his tenants.³ Randell McDonnell then approached James with a complaint that his patent contained so many covenants that he was in peril of escheat for non-fulfilment.⁴ He surrendered his patent and passed a new patent with all the previous grants, liberties and powers, and not a solitary covenant or mention of leases or subgrants.⁵ What he told the King, what the Dublin Council intended, what the views of his tenants were are all wrapt in mystery. All we do know is that James was wrathful, and the warrant ordering the new grant fulminated threats "against all persons inclined to do Sir Randell wrong".⁶ From this patent, passed for political, racial, and personal reasons by James sprang a host of difficulties.

A patent such as this was of far greater import than the gift of a constituency to-day. It spelt great political power. What added to the danger was that this area lay next to Scotland, Western Scotland was all that time the most disturbed area in the three Kingdoms. The constant migrations, emigrations, and remigrations of Scots and Ulstermen between Ulster and Western Scotland made both areas one body political. The O'Neill who preceded Hugh O'Neill was married to a Princess of the House of Argyle. The Earl of Argyle threatened to invade Ulster when Hugh O'Neill hung one of Shane O'Neill's surviving sons. In fact he provided the Deputy with Scots to fight Hugh O'Neill, and held up mercenaries which Hugh O'Neill had employed.⁷ Argyle laid claim to Antrim. McDonnell laid claim to the Western Isles. McDonnell's enemies in Ulster were the Scots who trickled into Clanneboye. Argyle's enemies in Scotland were

1) Erk. I—8. 2) Erk. I—52. 3) Erk. I—137. 4) Erk. I—166. 5) Erk. I—274. 6) C. S. P. 1605—267. 7) C. S. P. 1594—336; 1595—412.

the McDonnells of the West. From all of this rose much history, camouflaged by historians under titles of Covenanters, "Catholics", Whigs and Jacobites. When James gave such a patent to a chief, who had only just "came in and submitted", we must remember that, in feudal diplomacy, there was such a thing as the balance of power, and buffer States. The Irish council, who studied McDonnells patent with covenants, thought only in terms Irish and agrarian. James when he revoked it for one more elastic, was thinking in terms regal and Scotch. Thus did "reasons of State" embroil themselves with matters agrarian.

We can trace all down through the ages the effort of this patent. A minor chief, Cahil O'Hara, also procured a patent on the borderland for about 2,000 acres.¹ When McDonnell surrendered to get his new patent, O'Hara refused to surrender his. McDonnell claimed that his surrender involved certain of O'Hara's territory, which O'Hara stoutly denied. A fiery feud developed between them both as to whether O'Hara owned four townlands plus an outlying district or the four townlands alone. During some temporary excitement over a plot against law and order, O'Hara accused McDonnell of sheltering rebels, and denying tenants their fair allotments. McDonnell then paid another visit to the Court, and procured a letter warranting the prosecution of those who had libelled his loyalty.² For over thirty years this pair were at loggerheads disturbing the administration of justice. O'Hara's son, Cormack, having become sheriff, the agrarian disputes entered into the administration of the law, and McDonnell used to fine in his manorial Courts those who appealed to the Sheriff, et vice versa.³ In 1629 a Royal letter reached Dublin ordering the Deputy to assume O'Hara had made his surrender and to vest in McDonnell all but four townlands of O'Hara's.⁴ Nothing seems to have been done.

The other McDonnells were not less active. McDonnell had promised Larne to his nephew, and the nephew had sold his promise to Sir Awla McNawa, which promise he now declined to make good. The Deputy supported him in this on the grounds that when he made the promise he had no title to the land. One gets a glimpse of the confusions of the land Department in the

1) Erk. I—284. 2) C.S.P. 1615—60; 1628—398. 3) C.S.P. 1627—277, 278. 4) C. S. P. 1629—485.

following despatch. "There is a nephew of his gone over to complain. What his complaint is we do not know, but the disposition of this people is to address themselves rather to you than to us, where their causes and themselves are best known. If Sir Randall is to be called over to London for every complaint, he may spend more in one year, than his lands would yield in three and his tenants will pay for it. It would be better to refer matters to us to decide."¹ Agrarian claimants always preferred London. The King and Council in London were fairer game for an eloquent litigant than the knowledgeable Council in Dublin.

Another nephew demanded four townlands and was refused, because he had entered into some alliance with O'Hara.² "Discontented that his uncle had his land and not himself", he gathered together a miscellaneous multitude of O'Neills and O'Donnells and "threatened to burn and spoil his tenants", especially those lands that McDonnell had sold to peaceful planters. To add zest to the conspiracy this rebellious subject tried to snatch from the Crown, young Con O'Neill, the son of Hugh, who was being educated by the authorities. With him in his possession he had hopes of reviving the good old days.³ At a later period Ever McQuillin complained to Lord Conway that this same Alexander McDonald had arrived with 100 men and levelled his fences and driven him out of possession.⁴ As can be seen this loose general patent, drafted in London for high reasons of State, had left one of the most dangerous districts in Ulster in a state of commotion. McDonald sold no mean portion of his estate to Londoners, Conway, Clotworthy, and others. In 1641 McDonnells of "the meaner sort" burnt, and plundered the houses of these unfortunate purchasers, as "strangers who had no right to be there on our lands".

In the meantime Sir Randall McDonald, having become Earl of Antrim, passed away and was succeeded by his more famous son. Educated in Paris he had been summoned to London by the King on the advice of Mountmorris, and there had blossomed into a great Court personage, marrying the Duchess of Buckingham, who was old enough to be his mother. Being a man of considerable personal charm, high spirits, and gifted with a remarkable

1) C. S. P. 1610—446. 2) C. S. P. 1618—60. 3) C. S. P. 1615—46, 52, 53, 97. 4) C. S. P. 1624—491.

facility for high politics and Court intrigues, he became one of those curious personalities, who achieve nothing lasting in affairs of State, but make their presence felt in matters effecting themselves. Laud had a great personal affection for him. There is nothing more curious than to note Laud's petitions to Strafford on his behalf, and Strafford's cold refusals. Strafford did not like him. He regarded him as a man, whose every action aimed at his personal advantage and personal glorification at the expense of better subjects, and on several occasions he commented severely on the practice of converting the State into an appendage to a man, who had not only enemies in Ireland, but touchy enemies, not perhaps so active at court, but holding themselves to be better "in quality and estate" than this boisterous and boastful intriguer, who was destined to cause many troubles. "It is common with the Irish", wrote Strafford apropos of one of this nobleman's grotesque proposals "to be more mighty abroad than they are found to be at home. His miracles are less believed, least heard of in his own country. His Lordships debts are thought to be no less than £ 50,000. He was not able this term to borrow £ 300 to stay a seizure. There are subjects of the Crown here able to raise far more men than my Lord of Antrim".¹ Thus ended Antrim's proposal that the King should provide him with money, arms, and martial power to recover his ancestral estates in Western Scotland. Antrim had got great political power in London and had made many friends, but they had cost money. A great Irish nobleman with political influence, on the verge of bankruptcy, was a thorn in the side of guardians of the Exchequer.

His first appearance in the Strafford correspondence was unlucky. He lodged at Court a petition to make over to him without inquiry the lands in controversy between him and O'Hara. Coke despatched this petition to Strafford before a decision was given.² Strafford handed it over to the Courts to decide "in a legal way".³ When Antrim was "passing" a new patent the subject cropped up again—Laud intervening on the Earl's behalf—but Strafford seems to have regarded the incident as closed.⁴

This was followed by another petition. The Earl and his

1) L. S. II—288, 304. 2) L. S. I—137. 3) L. S. I—153. 4) L. S. II—157; L. L. VII—391.

father had been selling their lands at a rapid rate. On each such sale there was due to the Crown a fine for alienation. Those fines amounted to close on £ 5.000. His petition was that these be remitted, and what was more than this, "power to create tenures" be expunged from his new patent, in which they had been inserted by the cautious Strafford. If this petition was granted, farewell to all Strafford's hopes of taming that Lord by making his tenants "hold of the King". Strafford had also intended to convert these subtenures into tenures in capite, thus making them liable to feudal dues. "He aims", wrote the irate Deputy, "at deriving the dependency of that people entirely to himself, and trenching deeply upon the revenue, the sinews of Government and the prerogative".¹ Balked in this direction the Earl recollected that his father had only a life interest in the estate, and, to Strafford's horror, he broke all his father's leases. If Antrim had been planted this would never have occurred, as plantation proprietors by law had to give leases for 41 years. This seriously impaired his credit as, at this time, tenants were scarce, and could pick and chose their landlords. "Let him", wrote Strafford to the ever forgiving Laud, "be believing in his own power or greatness as much as he pleaseth, if out of the regard to your recommendations, there hath not had countenance been given to his proceedings, and a slow ear lent to his tenants, his Lordship might perchance have found himself farther off his end than now he is".²

North Antrim remained a very troubled area for a long time. True it was that the constant sale of the McDonnell parcels brought in a type of proprietor at a different stage of civilization, and more concerned with industry than the use of political intrigues to restrain it, but one of the most gloomy features of this period is that the men that sold their lands were not above using intimidation to recover them. No small part of the outrages in 1641 were due to this. Phelim O'Neill's first object of attack was Lord Caulfield, to whom he had sold certain of his lands, Lord Antrim had sold certain "parcels" to the London Corporation. When that estate was escheated, certain MacDonalds drove off the new proprietors, beat the Sheriff, rescued his prisoners, and had to be dealt with severely by Strafford. "All is quiet and still

1) L. S. I—517, 518.

2) L. S. II—120.

with the Earl" wrote the Deputy "all so fast asleep as his Lordship pays neither licences of alienation, subsidies, or rent. I desire to know his Majesty's pleasure, whether we must waken him or no, lest otherwise he fall into the case of those seven sleepers we read of in the legend. As for his McDonalds they are awake. They pray for the King, but will not obey the Deputy."¹

This county of Antrim affords in itself a most curious commentary on the traditional view that the close of the Elizabethan wars saw a widespread confiscation of the lands of the Irish in the interests of English settlers. It can never be too definitely made clear that at all times during these wars the power of the Crown was due to the driving force of the Irish people, and that, in the fruits of the victory over feudalism, it was the Irish people and not the State or its English supporters who carried off the lion's share. This patent to McDonald is but one example. Large as the scope was that he was accorded, it was nothing to the area over which he exercised "cuttings and spendings" a few years before. He exercised full power over seven baronies, held North Claneboye in the South by the sword, had driven the McQuillins down to the Bann, and had reduced to the level of tributaries "the chief ancient followers of the country, the O'Haras and the O'Quinns".² In 1593 he "had forcibly expelled McQuillin from his position", and the tenants were "thralled in misery and at the lord's pleasure".³ Frightened at the prospect of Hugh O'Neill reducing him to a similar level, he had "come in and submitted", and had recovered but a fraction of the territory over which he had held a precarious empire. How shaky was that Palatinate is revealed by the disclosure that, when his tributaries mutinied, he used to summon the Scotch to his aid "by making of fires on certain steep rocks". O'Hara was now "free of his spendings". So too was McQuillin. Across the borders in modern Londonderry a little group of minor gentry held estates in freehold from the London Corporation.⁴

South of this area was the Lower or North Claneboye. This was in a parlous plight over the contentions between two branches of the House of O'Neill, Shane and Neill Ogue. Both had appealed vigorously to the Crown for aid, and Shane was excused from a

1) L. S. II—426. 2) Carew M. S. S. II—437, 438. 3) C. S. P. 1593—145.

4) Survey and Redistribution: Londonderry.

subsidy tax as—so ran the official report—“he hath enough to do to find meat and drink for his own household”.¹ To him was allotted 8,500 acres in in capite tenure, free of rent, on condition of a “rising out” of 200 men.² The patent shows that, so waste was this territory, that its value “free of reprisals” was £ 9 a year. His son was Sir Henry O’Neill, a great pillar of Church and State, a former pensioner of the Queen” for “extraordinary merit in the general calamity of the late rebellion”. At a later period he is reported as “a person fitted to be employed against Tyrone” and “an active Protestant”.³ He appears occasionally as a spokesman of local grievances, a Commissioner for subsidies, “a stranger to London”, paying but one visit there, and never obtruding in politics.⁴ On his death Wandesforde became the guardian of his son, and Radcliffe reported the value of the estate at £ 4,000 a year. This son fought for Charles and then for Ormonde when but a boy, compounded with Cromwell for £ 1,400, and re-blossomed into a placid squire on the Restoration.⁵

The McDonnell patent, which covered an area of 30 miles in length, had led to the displacement of the McQuillins, whose original freehold had been passed away by “the mere suggestion” of the McDonnell on his visit to London. Rorie McQuillin head of the sept was accordingly allotted over 2,000 acres. “Other ancient gentlemen and inhabitants” received another 2,000 acres.⁶ The rival of Sir Henry O’Neill was Neile McHugh O’Neill, who had been one of the Queen’s Captains and had died on Active Service. To his children were allotted 4,000 acres. It is curious to note how tangled was the religious question, that two of these children were Protestants and one was a Roman Catholic.⁷ A minor scion of this family, Owen McHugh, was placed on the pension list, he being “poor in estate”.⁸ The remainder of North or Lower Claneboye, reaching from Belfast to Knockfergus, was reserved to the Crown, and subsequently leased to Sir Arthur Chichester, the Deputy, and Governor of those two forts “that his tenants in the said lands may be the better encouraged to plant and manure, and may have from him some certain estate”.⁹

1) C. S. P. 1592—69. 2) Erk. I—282—4. 3) Erk. I—26; C. S. P. 1618—226; C. S. P. 1625—73. 4) C. S. P. 1628—254, 387, 449. 5) C. S. P. 1666—69—263; 1625—1660—201. 6) C. S. P. 1605—321, 503. 7) Erk. I—285; C. S. P. 1615—52. 8) C. S. P. 1626—96, 354, 371. 9) Erk. I—23, 109.

The County of Down was like Antrim one of the relics of the old Earldom of Ulster, still to a large extent by law the possession of the Crown. After Wexford it may be said to have been the most Norman county in Ireland, but the invasion of Bruce had only left mere relics of the old regime. One of the last traces was the Savage hegemony in Lecale, who were "often harrowed and spoiled by them of Claneboye", a stronghold of Scots.¹ In the reign of Henry VIII. the chief thereof paid homage, was recognized as "Captain of his Nation" and promised a tribute to the Deputy.² In the reign of Elizabeth a deputation waited on the Crown and sought an adjudication as to the chiefry "reciting their contentions, losses and injuries", and Roland Savage was duly installed "as Captain of his nation and freeholders".³ In 1602 he and a host of other Savages received the inevitable pardon.⁴ By an Inquisition held at the beginning of the reign of James the little Ards was declared Crown Property, but this seems only to have affected tithes and Church Lands in the possession of the Savages.⁵ Roland Savage, now the Lord of the Little Ards, was a loyal and law-abiding subject. At an earlier stage he had warned the Government of a threatened invasion of Scots, and, as a man of war, he was not only in receipt of a Crown pension, but was responsible for a healthy "rising out" at the beck and call of the authorities in "stirs". One of this family was Mayor of Carickfergus, and another a great State Official, Sir Arthur Savage.⁶ In 1606 Roland was empowered to hold a Fair in Portaferry and Norden's Map of Ireland gives that area as possessed by the clan in 1610.⁷ Before this, however, the Chieftain's family had been selling certain portions of the chiefry to planters, and we know as a fact that there was at least one other Savage holding in that area by Knights tenure from the Crown.⁸ In 1617 an Inquisition was held to settle tenures and Rowland claimed about 10 townlands, whether in chiefry or demesne is not stated. Another Henry Savage also claimed a large freehold.⁹ The result of this Inquisition was that Rowland created about 20 freeholds, and, in 1625 he held in demesne 3 townlands, not together but

1) Carew Papers II—437. 2) M. P. R. H. VIII—45. 3) M. P. R. Elizabeth—427. 4) M. P. R. Elizabeth—628. 5) I. I. Down. J. 1. 2. 6) C. S. P. 1595—364; 1603—1606—128, 253, 423; 1618—226. 7) C. S. P. 1606—483; Cat.—221. 8) M. P. R. J. 1—251—254. 9) I. I. Down. J. 5.

scattered over the Ards and Lecale.¹ By the reign of Charles it was evident more freeholds had been created—nearly all the names are those of local tribesmen—but one of Strafford's Inquisitions held to recover dues for alienations without license shows that the Lord of Little Ards had been selling more patches of his demesne to strangers. The Books of Survey and Redistribution only reveal one Savage freeholder in the Ardes—Henry Savage—but a great mixture of Savages and other tribes in Lecale.² From all this we can deduce a large number of minor gentry, a peaceful region, the entry of planters, a mixture, after a generation, of planters and natives, and the sale of many plots to these planters.

On the other side of the Lough lay McCartan's Country. McCartan is described in 1593 as a bitter opponent of leases and freeholds and the area was regarded as disorderly and waste.³ His swordsmen numbered 60, which was a large force for such a small area to support.⁴ This area was really the possession of the Earl of Kildare, but, during the stirs, the MacCartans had risen up and dominated the district. All that the Earl seemed to possess was the Customs of Strangford and certain Church Lands.⁵ Towards the close of 1605 MacCartan and certain of his followers "came in and submitted".⁶ Sir Edward Cromwell was Governor of the Country, and he seems to have acted, partly as a peacemaker between Mac Cartan and the Government, partly as a trustee for the freeholders, and partly as a purchaser of part of MacCartan's rights.⁷ The patent is carefully drafted to secure the rights of those "holding by tanistry and other free tenants", a Commission being authorised to put the settlement into execution.⁸ Part of the agreement between MacCartan and Cromwell was that the latter should "educate and apparel in a gentlemanlike sort" the son of the former.⁹ In 1634 young Phelim MacCartan sold 500 acres to Lord Mountmorris, and, in the same year, the Cromwell estate was assessed at 15,000 acres.¹⁰ The later Survey shows that in 1641 Patrick MacCartan had 4,300 acres, two other MacCartans 1,000, and Phelim Magennis—certain

1) I. I. Down, J. 9, 15. 2) Survey and Redistribution. Down I. I. Down. C.10, 16. 3) C. S. P. 1593—141, 145. 4) C. S. P. 1589—279. 5) C. S. P. 1605—327. 6) M. P. R. J. I—172. 7) C. S. P. 1605—325. 8) M. P. R. J. I—203. 9) M. P. R. J. I—191. 10) I. I. C. Down, 50, 63.

of the Magennis' had been undertenants to the MacCartans—possessed 500 acres, all these in freehold. The descendants of some of these freeholders were in full swing at the middle of the nineteenth century. The Cromwell Estate was partly due to this MacCartan bargain—he had purchased a third from MacCartan—and partly due to an escheat. That area, which was neither MacCartan nor Savage Land, had been resumed by the Crown, subject to a headrent to the Kildares, and had been leased to Cromwell. On his death his executors said that it was “a country desolate of inhabitants, MacCartan being a fellow that will be proximus sibi, neighbour to himself”.¹ On these grounds the wardship of young Cromwell was not given to the Countess of Kildare but to his mother.² In this Lecale and Killenartan area Oliver Cromwell escheated about a dozen native freeholders as either Royalists or rebels. Sir Edward—now Lord—Cromwell, as well as MacCartan, had aliened certain parcels by 1637.³

Here again we find the creation of freeholds, the granting of leases and a long peace with a rise in prosperity. The Valuation of Down for subsidies in 1640 was nearly twice that of the County Waterford, a country with better land and a more peaceful past, and was three times that of the far richer country of Derry.⁴ It is very hard to believe that, only a generation before, this report had been sent into Dublin. “It is very slenderly inhabited, and its good and fruitful land lies waste and desolate. The reason is there are no freeholders, neither have any of the inhabitants under their chief men any certain estate.”⁵

Iveagh which lies to the South and West of Down was, in the middle of Elizabeth's reign, fast revolting from the old system. Hugh Magennis and Cormack McNeill of Killulta had been feudatories to the O'Neills of Tyrone, but by 1586 had taken service under the Queen. The former had abolished tanistry and wore English garments on holidays. His rival, Ever McRory Magennis of Kilwarlin had revolted from the O'Neills of Claneboye and done likewise.⁶ One of this clan had been one of Henry VIII's Bishops.⁷ In 1592 Sir Hugh held by English tenure and actually paid rent.⁸ It was Sir Hugh who warned the authorities of Hugh

1) C.S.P. 1608—396. 2) M.P.R. J. II—502. 3) (Survey and Redistribution. Down. I. I. C. 2. p. 69. 4) C. S. P. 1625—1660—231. 5) C. S. P. 1593—142. 6) Carew Papers II—437. 7) M.P.R. H. VIII—91. 8) C.S.P. 1592—500; 1594—266.

O'Neill's coming rebellion, carried a victorious lawsuit against him, and one of his henchmen shouted "traitor" at the great Earl in the streets of Dundalk, which led to an angry debate in the Council.¹ When O'Neill "flew out" that great man tried to "coshier" soldiers on his quondam subject, reft him of 1,500 cows, and, on his death, refused to recognize Arthur Magennis—his own son-in-law too—but ran Glasnery MacCawley Magennis for the tanistry which Sir Hugh had disowned.² Ever McRory of Kilwarlin suffered worse. Burghley has left on record the following note: "The thralldom of the chiefs under Tirone. Murder of Ever McRory of Kilwarlin by the Earl of Tirone's son-in-law."³

Hugh O'Neill having fallen, young Arthur, now free from that terror, began to bethink himself of his rights against State and subject. The State also, having lopped off the lofty heads of the greatest, began to turn a surly eye towards the next great men of Sir Arthur's stamp. The freeholders having heard Sir Arthur talk much of "liberty from Great Ones" began to act on his orations, and demand their place in the sun. As far back as 1593 the State had been nibbling at this district, Mr. Solicitor Wilbraham and the Lord Chief Justice having toured the district and reported to Burghley. "Sir Hugh Magennis and Ever McRory both have large territories by letters patent, but they will not assign any portions to freeholders, but keep their tenants as vassals." When Sir Cahir O'Dogherty "flew out", an information⁴ was lodged against Sir Arthur.⁵ In 1610 more information of curious company, and curious letters from curious sources, clerical and O'Neillite, reached the Castle.⁶ Sir Henry Dillon got alarmed, dubbed him "a great and malicious man", likely "to deal with Newry as the Greeks did with Troy", and suggested the dubious course of "countenancing" that Glasney Magennis, whom O'Neill had "countenanced" against Sir Arthur. "Glasney is in faction against him and Sir Arthur fears him."⁷ It was, however, but a mere flash in the pan, a murmuring in high and low places. When the State called the freeholders together the allotment was peacefully arranged. Both Iveagh and Kilwarlin were parcelled

1) C. S. P. 1593—95, 149. 2) C. S. P. 1594—301, 358, 457. 3) C. S. P. 1594—279. 4) C. S. P. 1593—145. 5) C. S. P. 1608—518. 6) C. S. P. 1610—464, 465. 7) C. S. P. 1608—486.

out. A demesne was given to the two lords, a large number of freeholders being created, holding by Knight's service to the Crown¹ "This will weaken him" is the phrase that runs through all the despatches. The Books of Survey and Redistribution show Lord Iveagh in possession of about 25,000 acres, the Lord of Kilwarlin with about 2,000, and the McGlasney family with about 1,500 acres. A very large—an exceptionally large—number of minor freeholders were also created, none of which had holdings of less than 120 acres. This seemed to have been regarded by the Commissioners as the limit of an economic holding. What is more curious is that here as elsewhere in Down, common lands were left for "inhabitants of the village". This is the only County in Ireland where this feature of primitive tribalism survived the "stirs". Whether the Commissioners found it there and preserved it, or created it themselves, we have no opportunity of judging.²

The Mourne was in a different category completely. In the reign of Edward VI. Sir Nicholas Bagenall had purchased a large "scope" from Martin O'Kyrone. A few years later he secured a patent for the Abbey Lands.³ The latter patent gives us an idea of the scarcity of tenants and the difficulties that beset a planter. It relates that "many of the townlands be unmanured and under pasture for cattle, and by reason of war clearly waste, and in those parts they cannot procure tenants without giving great rewards". Feudalism in its wane laid a dead hand on Ireland. Blackmail, serfdom, "exactions", standing armies, wars, and hostility to strangers who might allure away the feudal tenants, as the boroughs did the feudal serfs, made the country what it was, and the people determined to be rid of the system of "a multitude of princes in a fair Kingdom, carrying from the Crown both the benefit and the people's obedience, besides the loss of many worthy subjects".⁴ This patent, of course, excluded this area from the purview of any Commissions, but wherever these Imperial officials operated there was no land question. Their method was usually to create a small freehold, and to lease the land surrounding it to the freeholder.

1) C. S. P. 1606—1610—193, 457, 469—471, 487. 2) Survey and Redistribution. Down. 3) M. P. R. Ed. VI—220, 228. 4) C. S. P. 1603—620.

Upper or South Claneboye fell into quite a different category from all these settlements. The overlord had been Neale McBrien Fertagh O'Neill, who had been at deadly war with Hugh O'Neill, each alleging that the other was the aggressor.¹ Sir Henry Bagenall reported him as being "the only great man of the neighbourhood who did not "fly out" with the Earl in 1593. "I can trust none but him" wrote the Commander of the local garrison.² Neale kept 50 soldiers for the Queen instead of paying a rent, and lorded it over "divers septs and nations"—Kellys and Sluyte McO'Neales, "who challenge to be petty lords and would expect to be made freeholders".³ This shows that the hegemony extended right down into the centre of Down, as Norden's Map locates the country of "the Sluyte O'Neales" just North of McCartan's Country, comprising Kilenawley. The phrase "septs and nations" however is deceptive. One of the Prestons one time called himself "capitanus meae nationis". His nation comprised eight men. The area, however, seems to have been very thinly populated. Miler Magrath said "the most part is waste".⁴ Weston on another occasion described it as "very slenderly inhabited".⁵

According to an account in the Montgomery Papers on the establishment of peace, Neale went into rebellion, but saved his person and his lands by striking a bargain with Sir James Montgomery and Sir William Hamilton. They used what Court influence they possessed, and the whole area was divided between the three. It was an excellent bargain for Neale, as it is very doubtful if the Irish Council would have sanctioned such a large demesne, if the matter had come before them. The patent comprised the region of Kilultagh, whose lord, Cormac, a tributary of O'Neill's, had been killed in rebellion. This was subsequently leased, whether by Neale, Hamilton, or Montgomery, does not transpire, to Sir Foulke Conway, from whom sprang the Conway Rawdon family, who played a great part in the history of 17th century Ulster.⁶ The Conway Estate is an example of the popularity of these planters as landlords, not for personal reasons, so much as because they belonged to a different civilization from the feudal lords. They were agriculturalists, financiers, business

1) C. S. P. 1593—146, 253. 2) C. S. P. 1594—234, 239. 3) C. S. P. 1592—69.
4) C. S. P. 1592—490. 5) C. S. P. 1593—141. 6) Erke 197, 245, 594.

men, ploughing, ditching and paying wages. The feudal lords were rather potentates, supporting retinues it is true, but not increasing wealth or industry. A brief in a lawsuit in the middle of the seventeenth century gives the names of the families who were "the true inhabitants and undertenants". They are few compared with the larger number of migrants who had come in from other parts of Ireland, attracted by the conditions, on an estate, which, we know from the Rawdon Papers was "a hive of civility". Some of the names are those of Connaught origin. It is curious to notice that some of the original inhabitants only paid a nominal rent. The number of names mentioned is 30, but this does not exhaust the families as "and others" and "the O'Mullerewy with their strange followers" occurs in the list.¹ What at first sight accordingly looks like a confiscation of Irish lands in the interests of an English official becomes a very different story when carefully examined.

O'Neill seems to have been extravagant and thriftless. Laud calls him "improvident" and says he "parted with his estate very fondly".² Certainly sale after sale is on record during the reign of James.³ By 1635 he had only £ 160 a year allowed him by the mortgagees.⁴ His decline was accompanied by the rise of Montgomery and Hamilton. Both of them were typical examples of the thrifty Scot. The latter was a Northern counterpart of the Earl of Cork. It was over the estates of these two that a wave of Scotch immigration surged and settled there to make history. The historical theory that it was the Ulster Plantation which brought in the Scotch is a hallucination. The Scotch were in Ireland long before the Plantations. They were professional soldiers in Clare. Bingham's tomb in St. Patrick's glorifies him for having expelled them from Connaught. The Scotch Planters of the Plantation were few and far between, and were of middle class origin. The Scotch of the Montgomery and Hamilton Estates were cotiers, labourers, casuals, all that olla podrida that goes to Colonies, attracted in this case by vacant tracts, cheap land, and much better conditions than in Argyleshire, from which the majority came. For some reason the Government did not like them. The imperial

1) C. S. P. 1625—1660—337. 2) L. L. VII—122. 3) M. P. R. J. I—230—234.
4) L. L. VII—227.

idea of a Planter was a squire with yeomen farmers, and not this horde of very independent, assertive, and clannish Scotchmen "of the meaner sort". Two Proclamations were issued to keep them out, but Proclamations in Ireland are more honoured in the breach than the observance. A Scotch gentleman was one time ordered to "chase them out and keep them off", but still they came.¹ The law hit them severely too. They were aliens, and, if they purchased Crown or Church property, they were liable to escheat, nor could they inherit land, or plead in Courts. Strafford freed them from this disability. Up to his time they always had to sue for an Act of Grace to protect their interests. It is hard to understand why the State was so hostile to them. Scotch politics no doubt had much to do with it. They seem to have been somewhat disorderly also. In 1616 County Down is third on the list of fines.² Nor were they respectful to the Crown as Planters and strangers usually were, notions of liberty not developing in Ireland till about the second or third generation. In the general Election of 1615 when the Government proposed Sir Richard Wingfield, subsequently Lord Powerscourt, as Member for Down the Scotch scouted him and "carried their own man", not only in the face of the Government but in the teeth of the native gentry, who were running Sir Arthur Magennis and Rowland Savage.³ In 1642 they had an Army and a State of their own, which defied Charles, the Catholic Confederation, and Cromwell, all in turn, for which last exploit both Montgomery and the Hamiltons had to pay a composition to the irate Protector. Suffice it to say, for the present, that there were far more Scotchmen in North Down and South Antrim than in all the Plantation Counties.

The great difficulty in tracing the effects of the Jacobean Settlement is the habit of the authorities of that period in vesting lands in the hands of one person "in trust" for redistribution among others. In nearly every county in Ireland one encounters large grants to individuals, and it is only casual references in the State Papers or the Books of Survey and Redistribution that reveal a large number of small estates created by this patentee. In Antrim and Down the Crown started with one great advantage. The whole area was Crown Property, save for certain Church

1) M. P. R. J. I—181. 2) C. S. P. 1616—127. 3) H. C. I—338.

Lands, Abbey Parcels, and odd applotments, such as in Mourne or in a previous settlement in the Little Ards, or in the small Fitzgerald hegemony. To facilitate transfers the King forwarded to Dublin a signet letter to a man of straw, John Wakeman, on whose "book" these transfers were passed.¹ Ware, the antiquarian, was the official appointed to negotiate transfers by the use of this letter.² In a subsequent signet letter Wakeman is described as "the King's patentee", and the circumstances are related how the lands were "passed" through this letter to Sir James Hamilton, instructions being given to utilize part of the lands so passed for the erection of a Corporation and town.³ Hamilton, it should be remembered, was James' personal agent in Dublin before he ascended the English throne. Through this process the Deputy and Council were able to settle promptly and with a free hand all that tangle of agrarian tenures in Lower North Claneboye. A letter of Chichester's to the Privy Council explains the whole process. After reciting a long list of native gentry whose claims were satisfied or partly satisfied he says "for this end we must make use of Mr. Hamilton's grants, with his assent, for the better settlement of freeholders in this part thereafter, which we could not then complete, as those lands are not yet passed". The same letter shows that it had already been decided to reserve South East Antrim for Colonists.⁴ The Chichester Estate round Belfast and Knockfergus was awarded to Chichester by a direct letter, before he became Deputy, in order that "his tenants might have a certain estate".⁵ This was done with the consent of the King.⁶ The Hamilton Estate in the Ards had nothing to do with this "in trust" letter, being a special patent passed direct, after agreement with Montgomery and O'Neill, and depending on a separate Royal Warrant. The whole arrangement is thus described by Chichester. "He"—Hamilton—"is to be favoured for his willingness to pleasure some English gentlemen in passing their Estates in fee farm in Lower Claneboye, which he passed upon his book"—the Wakeman letter—"in raising a good rent, besides a clause for building of Castles. The business has been affected without grudge or offence to any of the Irish Lords or gentlemen, pretending title

1) Erke—28.

2) Erke—281.

3) C. S. P. 1607—134.

4) C. S.

P. 1605—321.

5) Erke—23.

6) C. S. P. 1605—295.

to the same by reason they had passed good quantities to themselves at easy rents by virtue of His Majesty's letters".¹ In this Chichester spoke the truth. Not one of the native gentry of South Antrim showed the slightest partiality towards the rebels in 1641, which they would have done if there had been any sense of grievance. On the contrary some of them like Sir Henry O'Neill were the bulwarks of the State, the religious clamour not affecting their attitude in the slightest. They intermarried also with planters. A civil Planter was a very popular personage in Ireland at that period. One of them wrote a panegyric on his reception, urging all and sundry in England to come over and buy land in Ireland. "The better sort are very civil and honestly given. Although they did never see you before they will make you the best cheer their country yieldeth for two or three days, and take not anything therefore. They speak good English and bring up their children to learning. They keep their promise faithfully, and are more desirous of peace than Englishmen, for that, in time of war, they are more charged. Nothing is more pleasing to them than to have good justices placed amongst them."²

These two Counties are a miniature of the whole Jacobean settlement, which was based on no real common system. As a rule it aimed at cutting down the chief's power, creating freeholders that held from the King, and installing where possible planters at a higher rent, sometimes with building Covenants. Down and Antrim are exceptional in this sense that the Crown had compulsory powers over the whole country and, for that reason, it could do what it wished. In other countries it had to wade through old patents and previous grants, and sometimes managed to achieve something by inducing the Chief to surrender his old patent, giving him a regrant of a demesne plus another grant in lieu of exactions.³ Tenants also holding by tanistry, could apply to the Defective Titles Commission for a patent without the consent of their overlord. This method seems to have been very common.⁴ This method however had one great defect. It is thus described by the Earl of Cork. "They will not submit but upon conditions which will abridge His Majesty's profit, and not allow the free-

1) C. S. P. 1606—502. 2) Irish Archaeological Society. I—p. 3, 4. 3) D. T. I—205, 206. 4) B. L.—19.

dom which such a work of granting and dividing of lands would require. Neither will it be very safe for His Majesty or for the Patentees to ground a distribution of their lands upon their only surrenders and grants to his Majesty, there being no title paramount of record to check their secret feoffments, which, in this peaceable time, all of them do make without regard of conscience or credit.”¹ Such a vast undertaking could only be achieved by compulsory powers. These were obtained by finding a Royal Title to the whole area, and through it achieving the Plantations.

1) L. P. II. s. IV—128.

Chapter III

THE PLANTATIONS

The errors and defects of old establishments are visible and palpable. It calls for little ability to point them out It is one of the excellencies of a method, in which time is among the assistants, that its operation is slow, and in some cases almost imperceptible. BURKE.

The phrase "Plantation" has a significance now which is totally distinct from that employed by the Stuart statesman. Wandesford and Bramhall both apply it to the developement of a backward area. Suitors asking for leases of Crown lands frequently promise "to make a plantation" i. e. arrange tenures and develop the lands. In State jargon it is applied always to a reorganization of chaotic tenures through the medium of state ownership, in which the chiefries were abolished, native freeholders created, and planters brought in under certain covenants to build.

The first of these drafted on a scientific basis with a careful attention to detail was that of Wexford. In the reign of Richard II. the Cavanaghs had surrendered certain estates to the Crown, which passed the ce to Sir John Beaumont. In the reign of Henry VI. his heirs were undoubtedly in possession. His heir at law Lord Lovell went into rebellion, was defeated and attainted. The Crown had accordingly a good legal title. The area so involved covered the two baronies of Gorey and Ballakenny, and half that of Sherry Walsh. From this must be deducted certain plots. The Abbey and Episcopal lands amounted to 15,000 areas. There were two "ancient" pre Lovel titles belonging to two "Civil Gentlemen", Synnott and Roche, one manor leased, in bygone days, to the Earl of Ormond, and a title, whose origin is lost, in the possession of the Wadding family. The chiefry was owned by three chiefs, all of whom had rents and exactions, but one, Kavanagh seems to have

mortgaged his head rents to Synnott. Sir Richard Masterson as "Captain and Marshall" of the country, also had certain dues and exactions payable out of the area. The King had a composition rent in lieu of cess, which was farmed out to Masterson and Synnott. All these constitute those exactions, chiefries, and black-rents, which the time had now come to abolish by composition. The area at the King's disposal, after deducting the titles already named, amounted to "66.800 acres of land, and certain tracts of wood, boggy land and mountain".¹

This area was Crown land. It was the personal possession of the King. To it he had as good—nay a better title—than thousands of the Irish gentry. It was his to do what he wished with. To modern ideas, at a moment when the rights of the subject are presumed to dwarf into insignificance the rights of the state and the commonwealth—at any rate in matters agrarian, one is apt to forget that there are such things as Crown possessions. Here were lands on which men had legally and actually intruded and drawn from them rents, dues, and exactions, paying no dues themselves to the State and a rent that was infinitesimal, and that at a moment when the Irish coffers were empty, and the King was paying for the Irish administration out of his privy purse, out of taxing his English subjects. The 400 freeholders in this lucky position, drew benefits from the peace maintained by the State, and on their lands were 15.000 of "the meaner sort", living, as we know from all contemporary accounts, a most casual and nomadic life, partly because the land was barren of capital, partly because the agrarian system was so confused that none cared to risk money in developing their estates, and partly by the absence of "civility", those commercial traditions which distinguish a yeoman farmer from a tribal and military chieftain. It was in this plantation that James laid down the principle that he would reserve for himself one-fourth of his demesne, that he would redistribute the remainder among the original inhabitants on certain conditions, and that, on his fourth, he would plant planters, bound to spend money, develop the land, and introduce colonists, artizans et omne hoc genus. When this occurred the surrender of one fourth by the original stripowner was amply compensated by the security of his new title against

1) H. C. 1—372—380; C. S. P. 1611—136.

all comers, by the rise in the local standard of comfort and purchasing power, by the abolition of chiefries, and by the advantage of holding direct from the king. When the O'Farrell country was being planted, the freeholders showed no objection to this arrangement.¹ In Longford the 201 freeholders "readily and freely" embraced the plantation, being very glad "to relinquish the overgrown title of O'Rourke and to hold wholly of the King" for a surrender of one acre in four.²

The failure of the policy outlined in the previous chapter was due to a multitude of causes, chiefly lack of system, and widespread corruption. The vesting of land in officials "in trust" for subdivision amongst favoured persons was bound to lead to abuses. A writer of the period commenting on the policy of surrender and regrant to the freeholders and the chiefs says.

"All these lands His Majesty, out of his gracious bounty, hath caused to be bestowed away with little or no advantage to himself, because he was not truly informed of the value of the things passed from him, for common suggestion was made that it was a thing of little or no value." Lands that should have been held by tenures in capite were procured in common soccage by this process of surrender, the King "not observing the revenue he was to lose thereby", and then, when the State was bankrupt, "the Great Ones" voted a Contribution to the King for further concessions, redounding only to themselves, but, as Strafford put it, "laid the burden most unequally on the poor and bare tenants". A Commissioner of Defective Titles had been set up whereby men might renew defective patents, and under cover thereof "many lands of great value, never passed before, or intended to be passed" had disappeared for title or no rent. The great Recusant leader. Sir Frederic Barnewall, who stalks across the stage as a stormy petrell, and a man much persecuted for his faith, had repassed all his Abbey lands in free and common soccage at a less rent than they had been leased by his ancestors. Chiefs—"many" of them the report narrates—used to get a letter authorising a surrender and a regrant. Then they would surrender lands of freeholders of the same name, belonging to members of their clans, and then pass a patent for the plots of their illiterate tenantry. Sometimes

1) C. S. P. 1619—266. 2) C. S. P. 1620—310, 314.

they actually did this in the case of "inhabitants who hold of His Majesty". All these operations never came to light till Strafford and Radcliffe made enquiry as to why such a rich kingdom was bankrupt. This was achieved by corruption at headquarters. These patents were passed for good consideration, bribes to the officials and patents to the "men of power". The tradition in history of Irish lands confiscated by Englishmen is true, but it is but a fragment of the truth. The chief offenders, and the greatest number of the offenders were Irishmen plundering "Prince and people", and, when brought to book by Strafford, they lamented over "tyrannies", "the persecutions of their faith", and "we the natives shut out from honorable employment and office in the State". When these scandals came to light the uproar created by the offenders was deafening. Those who had suffered—the taxpayer, the minor men "the painful people of the nation" are barely heard in the din.¹

A plantation minimised these evils. Once the Royal title was found, the management of this estate became a matter for the King himself, to be arranged on instructions from himself by his own rules, by officials specially appointed, without any consideration for the Common-law, and with no regard for the rights and perquisites of officials, or the menaces and cajolery of "the man of power." In Wexford three officials were sent flown to sound local opinion and they found 50 of the 400 freeholders ready to support a Plantation "and so would all the rest have done, had not certain lawyers, who would never be seen, distracted them much for their private interest" with tales of a general deportation on the Assyrian model.² One agent went over to London with a demand of only a regrant to the freeholders but was refused on the grounds, that the time had come for "conciliating the affections of the people of Ireland".³ A jury was impannelled to find the title, but as it was drawn, of course from the relations of the chiefs, it was very reluctant and had to be scolded and prosecuted out of its verdict of "ignoramus".⁴ They then petitioned London to be allowed to surrender and take a regrant at an increased rent, and the London authorities gave way, partly because of the rent, partly because the policy of surrender and regrant was what they knew

1) T. C. D. F. 3. 16.

2) C. S. P. 1611—136.

3) Dom. 1611—80.

4) H. C. 1—378.

best.¹ A strong protest from the Deputy secured a revival of the Plantation idea.² The freeholders then refused to surrender their estates.³ They had a certain justification. Defective and corrupt measurements had made the sequestered fourth larger than it should have been.⁴ Hadsor, the Secretary in London, later on remarked that "the Irish gentlemen appointed to distribute the land, helped themselves to the lands belonging to others."⁵ Be that as it may, Chichester received orders from London to hand over the whole area to Undertakers. He flatly refused on the ground that it would provoke a rebellion, and for this he was officially reprimanded.⁶ In the end, after many confusions, quarrells between this man and that, charges and countercharges, public meetings, and a public petition that savoured of riot, a general agreement was patched up. The cause of the uproar was the intense anger of the larger freeholders at not being allowed to surrender and get a regrant, free from surveys, leases, requisitions etc., and the undeniable hostility of certain of the officials. St. John, subsequently Deputy, "countenanced" the protesters at the Council Board, and did his best to prevent the Plantation maturing.⁷

The area divided among the original inhabitants was 49,500 acres, and that allotted to planters was 16,500. In this plantation this only refers to arable land, woods, marsh, and mountain, being allocated "in general words" in the patents. The natives who dwelt inland on the mountain districts were, in some cases, transported to the richer lands on the plain and sea coast. This was done partly to make the leaders more anxious to accept the new model, and partly to reserve strategical positions for the incoming planters, who had to build forts. The native freeholders chose themselves those to whom the lands were to be allotted. Fifty seven prime gentlemen were appointed to "hold in trust" for the rest. All chiefties were wiped out, and compounded for in land. The old King's rent was also abolished, and the farmer's lease thereof was redeemed by a grant of land. This gave rise to some criticism later as the redemption was much in excess of the real value of

1) C. S. P. 1612—175, 234. 2) C. S. P. 1612—252, 258. 3) C. S. P. 1614—531. 4) C. S. P. 1618—187. 5) C. S. P. 1632—681. 6) C. M. S. —333 7) C. M. S.—330.

their lease of this farm.¹ In lieu of this cess, the natives paid a rent of £ 6—6—8. per 1.000 acres and the planters £ 6. per 1.500 acres. It must be remembered, however, that the planters had heavy building covenants to undergo, under duress of a bond and an escheat. This is the only plantation in which they held under soccage. All freeholders, planters, as well as natives, had to create leases of 41 years on 3 lives. This was the real secret of the popularity of plantations. That 14.000 "meaner sort" were up to this tenants at will of the freeholders.² This was performed, if not universally, at least sufficiently to avoid any public scandal. The inquisitions dealing with this area show that the two overlords Daniel Kavanagh and Sir Richard Masterson created a large number of freeholds and leaseholds.³

The planters were ordered to grant leases for a similar period, but they were forbidden to sell outright to the native population, to keep more than 500 acres in demesne, and on that demesne Colonists only could be planted. For this clause there were many good justifications. One reason was fear lest "the old lords should grow great again".⁴ The great danger of these plantations was that the planter would simply sell his allotment and retire to London on the proceeds, and it was ill work trying to force one of the feudal lords to carry out the Covenants. "The bane of a plantation", wrote the Privy Council "is when the undertakers or planters make such haste to a little mechanical profit, and disturb the whole frame and nobleness of the work for all time to come".⁵ This was the fault which rendered the Ulster plantation null and void. If once the planters were allowed to alien, they would alien to local "men of power" with a remarkable penchant for tenancies at will and grazing. What was more if they could they would be forced to alien. One of the great difficulties of this period was that "civil" purchasers of land were frequently driven by bands of kern out of their holdings, and this clause was necessary to prevent such unsavoury persons procuring a legal title to their conquests, the civil purchaser being frequently forced by intimidation to part with his farm for a few pounds. As it was certain ex-swordsmen burnt Sir James Carroll's house. The Deputy paid some local gentry to pursue them and rout them out, which they

1) T. C. D. F. 3. 16. 2) C. S. P. 1612—313—314; 1614—494, 496. 3) I. I. Ch. I—53, 84. 4) C. S. P. 1618—231. 5) C. S. P. 1617—167.

did with zest. Hugh McPhelim O'Byrne drew £100 for "cutting them off".¹ The second reason was the protection of the planter, so that he might have near him "freeholders for indifferency of trial on juries", persons to protect him "or else there will be cuttings of throats". The third was the vital necessity of colonists. The state was as anxious to allure into Ireland, "Cloth workers, artizans and painful people" as our colonies have been during the last half century. Wexford was fairly well populated for an Irish country at that time, but the collapse of Wexford and Gorey as boroughs shows to what a level the country had sunk by wars, chiefries, grazing, "creachting", and all the mediaeval slough of incivility. The customs of both these towns rose rapidly in the ensuing 20 years.

The next feature is the abolition of the small strip owners. The rule laid down was that only in exceptional cases was an owner of less than 100 acres to be regarded as a freeholder. A report on the district reveals a series of strip owners, with tiny plots, scattered here and there. The same feature remained in the West of Ireland down to the present day, when tenants held one ridge in one field, and one ridge in another, their holdings being scattered over several fields. In the case of Wexford it was undoubtedly due to excessive gavelling, and the State was faced with same problem as beset the English people at the period of the enclosures.² In this case they decided to wipe out all such petty holdings on the ground that "a multitude of freeholders beggars a country."³ All modern experience shows that they were correct. The uneconomic holder is always worse off than the landless labourer, being *adscriptus glebae*. A Stuart official one time declared that "freeholders of less than 80 or 100 acres are not good for themselves (the holders)."⁴ No small part of the tribulations of the Famine of 1847 were due to landlords allowing this subdivision of tenures, with the result that large areas had to support an excessive population on the scanty food supplies such tenures afford. Small holdings always mean bad agriculture. They develop a proprietary of very low morale. They yield neither revenue to the State, nor employment or food for the landless population. These petty freeholders were

1) C.S.P. 1619—263—269. 2) C.S.P. 1620—305, 306. 3) C.S.P. 1611—581.
4) C.S.P. 1620—303.

therefore ranked among "the residue to be settled upon terms of years or lives at reasonable rents". The orthodox view that a plantation was a confiscation, does not bear scrutiny. Those who surrendered the fourth found ample compensation in security of title and freedom from their overlords. The aim of a plantation was to "pass the lands that all the inferiors of the Septs may hold directly from the king without any dependancy of those who have hitherto and would ever rule and tyrannise over them".¹ This was the secret of the hostility of the chiefs to Plantations. St. John when Lord Deputy pointed out that, if the Lord happened to be a minor or absent, there was no hostility to a plantation. Wexford, for instance was a very troublesome affair, three chiefs being on the spot. "When they are not there the people freely submit."² When the overlords lost, was in political power. When the overlords gained, was a grant of land in lieu of rents. A large proportion of the multitude were given leases where they had none before; and we can safely assume that the lowest substrata shared in the rise in values.

The Plantation areas were the most prosperous districts during the 17th century. This is not due, as some assume, to the introduction of planters alone, though this had a considerable effect. It was due rather to a more systematic organization of tenures than prevailed where estates were simply patented. Before the Plantations operated "the people had no title, and much of the land was divided into very petty tenancies".³ A good title, freeholds, leaseholds, building, tillings, and rich strangers altered much. The surrender policy on the contrary, only took into account the Lord and the freeholders. It was vitiated by the fact that there were no Commissioners to inquire into boundaries, and was a matter simply between the larger freeholders and the Crown Officials. The Plantations involved surveys, titles, inquisitions, and general supervision. They also safeguarded to some degree the rights of a lower element than the freeholders. In one Plantation there was a special sub-committee of the Commissioners "to see them as tenants under the principal natives or undertakers".⁴ In some of these Plantations leaseholds established then have gone down from father to son to the present day. One other feature is

1) C. S. P. 1608—438. 2) C. S. P. 1621—314. 3) C. S. P. 1625—1660—151.
4) C. S. P. 1620—280.

worthy of note. The expenses connected with a plantation were born by the area itself, expenses such as survey, map-making, inquiry into title and salaries of officials. These expenses were recovered by an escheat of an equivalent portion of land to bear the cost. This land was then sold or leased to pay the expenses. At this period it was held that those who benefitted by a Plantation should pay the cost and not the taxpayer in other parts of the country.

Another mistake that has been made in regard to the Plantations is the theory that only Protestants and Englishmen secured grants from the escheated fourth. In the Ulster Plantation a covenant was inserted ordering Planters only to sublet to those who took the oath of Supremacy. It appears as a recommendation in the original draft of the Wexford Plantation, but not in its final form, and in no other Plantation. Between 1610 and 1615 the question had arisen as to whether or no the oath of supremacy was a test of a law-abiding subject. All the previous generation of the Irish chiefs held that it was the test, but in the Jacobean period large numbers of them turned Roman Catholic, and by the middle of the reign of James the Oath of Supremacy was regarded as a matter not to be raised, save in the case of members of the Council, who had partial controul of the Church of Ireland. One has to be very careful in this period not to assume that the religious sentiments of the 18th century were those of the 17th, when everything was in a state of flux. One has also to be very careful, during this period, not to assume that political declarations on matters religious by political parties represented either prevailing opinion or the real feelings of the protesters. Cardinal Rinnucini after presiding for some time over the Catholic Confederation, thus analysed the views of that body on the vexed question of papal and regal supremacy. "They have neither reverence nor affection for the Church of Rome, and hold the same opinions as Henry VIII. and Elizabeth. They have shown in every action they cannot endure the authority of a Pope. It may be, therefore, by the will of God that they are a people Catholic only in name."¹ This alone should make us cautious in assuming that a Covenant in the Ulster Plantation, ordering incoming Planters, and them

1) R. E.—436.

only, to take the oath of Supremacy from their tenants only, is or was a sufficient reason to regard all the rest of that Plantation, and all the other Plantations, in which this Covenant was not inserted, as a form of religious persecution through misuse of agrarian tenures. Not too, were the Planters all Englishmen. Out of the 19 original undertakers in Wexford—the number was subsequently reduced—four were born in Ireland. In addition to these four, one was of the very ancient Wexford family of Esmond, another was Sir James Carroll, Lord Mayor of Dublin, and the names of two others were Kenny and Brady. Plantation allotments were as a rule questions of finance “power to undertake”, through official or court influence had some effect, and that influence was used by Irishmen very effectively.¹

Accordingly the basic idea of a Plantation was the reorganization of tenures on the basis of compulsory powers. The State, in the person of the Sovereign, resumed its ownership where it had a title in law, reserved a fourth of the area for itself, wiped out the uneconomic holdings, abolished chiefries in toto, distributed the lands by Committees, partly local and partly State, fixed a head rent, placed the larger estates under tenures in capite, and enforced leases for a lower substrata than the freeholders, who had been the chief beneficiaries of the policy of surrender and regrant. The minor men were now rising to the old predominance of the waning chiefs, and the State was instinctively bidding for the support of the farmer and non-free element. In all the Jacobean Plantations the leaseholders are the chief care of the Commissioners. The Planters, drawn from the middle urban classes, Irish as well as the English, were an additional safeguard. It was expected that they would employ “the meaner sort” and wean them from their dependance on the freeman.

This is the real secret of the extraordinary energy with which the Stuart Statesmen harrassed their Planters. The Covenants under which land was let to them were burdensome in the extreme. They had to build a country house, and sometimes a fort. They had to till a certain proportion of their acreage. They had to arm and equip so many men for a muster. In a word they had to spend money and give employment. The tradition that all

1) H. C. 1—382.

this was to be done for colonists is based on the Covenants of the Ulster Plantation and it alone. In all the other Plantations the object with which the Planters were placed, was a make weight against the rising freemen, as a force "to employ the meaner sort", and to utilise them to hold the freemen in awe.

This strategy came into play in the Stuart epoch. The chiefs were gone. The minor men, freemen, and civil gentlemen, were the rising political force. They had been loyal under the Tudors, who protected them from the chiefs. They were now demanding their rights, exemption from "cess", taxes, compositions, and above all feudal dues, heriots, wardships, fines on alienation &c. The real motive power of the "rising out" of the Catholic Confederation was the desire to abolish feudal dues. In all their appeals to Charles, this is their insistant demand. One of the terms of the Restoration was the complete abolition of this ancient code of agrarian taxation. Instead the Hearth tax was substituted, a tax, the bulk of whose yield came from cottiers, labourers and cities.¹

It should never be forgotten that beside the chiefs and the freeholders, there was a heterogenous mass of persons, varying from the serf pure and simple to submerged clansmen, whose holdings were uneconomic, whose tenancies were really tenancies at will, crushed beneath a heavy burden of dues. We get several glimpses of this class. A writer in the Elizabethan epoch says "I found Antrim and Down very slenderly inhabited and a great part waste. The reason is there is no freeholders. They only hold at the will of their Lords, and these chief men take what they list and when they list. Therefore the tenants do often change their dwellings, sometimes being tenant to one, and within half a year, tenant to another, and many times wandering into other countries, whereby great looseness and idleness is maintained".² Bingham had the same complaint and the same remedy in Connaught. "The freeholders must lease their lands to the tenants and this yearly flitting be stopped." He attributed one disturbance to three minor chieftains with no lands, but in possession of cattle and a nomad clan.³ The only money rents that came to Hugh O'Neill were drawn from this source of revenue. All cows,

1) Acts 14 & 15. C. II. Cap. 18. Cap. 19. 2) C. S. P. 1593—142, 143. 3) C. S. P. 1592—482, 593.

grazing in this territory, paid 12d a quarter "no portion of lands being let to any tenant". The head men of these "creaghtes", retained 3d as their commission, and were responsible for prompt payment. The tenants had the right to remove every six months.¹ Davies speaks of the backward areas as teeming with these "creaghtes" at an earlier era. "In the fast places they dwelt and kept their creaghtes and herds of cattle, living by the milk of the cow, without husbandry or tillage."² In connection with this subject it is worthy of note that there survived down to the beginning of the reign of James, traces of the earliest known form of primitive society. Men owning no land, and possessing cattle, and cattle alone, rose by the mere possession of cows, to the rank of chief, the possession of many cows being, at all times, regarded as a passport to eminence, social as well as commercial, a large cow-owner being always more important in the eyes of the multitude than an employer of "many painful people". In fact the latter always has a lower social status in the eyes of the bucolics. These men of many cows sublet to minor men, non-owners of cows, in return for services duly rendered. These were those collectors, who deducted 3d from Tyrone's rents, as part of their chiefry over the men to whom they had leased cows. A Royal Commission sat at the beginning of the Ulster Plantation to enquire into these "comyns", and discover who were the real owners of the cows, what was the Lord's interest and the extent of the tenant right.³ When Sir Donnell O'Cahane was in prison, his tenants and creaghtes forsook his land "leaving him without rents, and the Deputy was" constrained in respect of his quality to lay out money for meat and apparel."⁴ When O'Neill and O'Donnell threatened trouble in 1608 all "the owners of Creaghtes and labourers" fled before the storm, and, on peace being restored, Chichester noted that they "were not unwilling to condescend" to the rebuilding of the fort "rather than be abandoned out of their native country, as by this they were."⁵ Lords on the warpath, it should be remembered, escheated "creaghtes" wherever they marched. When the Catholic Confederation was at its height, the creaghtes folded their tents, and stole away to a province not under its contrall.⁶ Chichester noticed that these roving cattle

1) C. S. P. 1610—532—533. 2) D. H. T. 1—123. 3) C. M. S.—59. 4) C. S. P. 1609—145. 5) C. S. P. 1608—27. 6) C. S. P. 1641—670.

owners "inclined rather to be followers to others than Lords", and seemed to have no desire to be freeholders. It was they who rendered the Plantations null and void. A freeholder or leaseholder was a far less profitable tenant to an undertaker than a cow-owner, who would pay double and treble the rent for a six months grazing, a painful tenant, willing to till and build, always bidding less. "Undertakers live in England", complained a scribe "and sublet to the meaner sort and not the industrious, which is a discouragement to industry."¹ One of the aims of the Plantations was to fix these bands in localities, to "draw them from their course of running up and down the country, and to settle them in towns and villages".² During the upheaval after Strafford's downfall, however, they went where they listed, paying no rents. Seven thousand cows appeared in Tinnahinch, in Queen's County, "destroying and eating up the grass and corn, and driving the gentry from their habitations".³

Besides these, there were the serfs, *adscripti glebae*. The servile tenure accepted for protection, is regarded by Maine, as the basis of serfdom in Western Europe. It is undoubtedly the basis of serfdom in England. In fact we may regard serfdom as the outcome of conquest as very rare: It was the tribute paid by weakness to strength for services rendered. Accordingly wherever there was a *demesne* there were *adscripti glebae*, and, as the *demesnes* extended during the later Plantagenet era of civil wars there was an increase in the number of those who accepted servile tenures with security instead of strips with no patron as protector. What, of course, had complicated this, was the manorial system, from which this was the outcome. That system spread all over Ireland during the heyday of feudalism, and feudalism in Ireland, up till the invasion of Bruce was a strong, virile, prosperous and pacific institution.

The basis of this system was services and dues for rents. No student of the Elizabethan patents can fail to notice the importance attached to water-mills, courts leet, courts baron, and the other incidents of the manorial rights. During the reign of Elizabeth, when the country was revolting against l'*ancien regime* a special commission sat to make peace between a manorial Lord

1) T. C. D. F. 3. 16. 2) C. S. P. 1608—65. 3) C. S. P. 1647—673.

and his tenants, the latter of whom demanded free milling rights. It was deposed that "the tenants when aggrieved, would go and break the mill pound, in respect, that the water was their own, saying they would not suffer the water to run through their land".¹ Manorialism when coupled with tribalism developed a servile class very rapidly. This is the real significance of Sir John Davies' explanation of the development of the demesnes, and the extension of "the exactions". "The extortion was originally Irish, for they used to lay Bonnaught (i. e. upkeep of soldiers) upon their people. But when the English had learnt it, they used it with more insolence, and made it more intolerable."² The Pipe Roll of Cloyne thus describes the tenants on the demesne in the heyday of manorialism. "All these persons are bound to guard the gaol for the Lord, and to labour in the Lord's meadow and park, because they hold by service at the Lord's will. . . . All these are fishermen, and owe service to the Lord in fish. They shall make the Lord's meadow, shall turn and gather, and shall weed the Lord's corn, and shall make the Lord's turbaries. . . . The Lord can in all places take all these, and their sons, and their daughters, and seize their goods and sell themselves, and in like manner, cause them to stand, and bear his land in whatever place he wishes."³ This code developed with extraordinary rapidity in the later Plantagenet era, the dues rapidly increasing, and the minor clans, one after the other, sinking to the level of villeins. When the Earl of Thomond surrendered his Carlow Estate in 1604 he received a regrant fixing the dues and services of the non-free cottagers. The grant is still on record, and contains the most varied number of ploughings, reapings, death duties, escheats, rents and services it is possible to devise.⁴ The last case on record of the Crown recognising a feudal controll over the bodies of the non-free occurs in a grant to Florence Fitzpatrick, Lord of Upper Ossory, who received "waifs, strays, *nativos et nativas*" which latter phrase is the *vox propria* for serfs.⁵

From the 14th to the 17th centuries the creation of these villeins was rapid. True it is that many were clansmen, strip-owners, originally free, and still regarding themselves as superior to the demesne tenants. Nevertheless, the devastating extension

1) M. P. R. Elizabeth.—13. 2) D. H. T. I.—132. 3) Cork Historical Journal. 1914—160—167. 4) Erk. I.—139, 140. 5) M. P. R. Elizabeth.—599.

of Coigne and Livery and other "uncertain exactions", had reduced many to a servile tenure in everything except name, while the violent extension of the demesnes had converted an enormous number of clansmen into tenants at will. To casual observers it is amazing how calmly the escheat of the strips was regarded by the owners during the Plantations. They forget that in nine cases out of ten the uneconomic strip was burdened with a crushing load of taxation, that the strip owner was a labourer and nothing more, and that, in a Plantation, there was always the probability of a lease of a larger holding, either from the Lord or from the Planter, the certainty of employment, and a rigid veto on any of these "ploughing in the Lord's demesne", "one cow in two on the death of a tenant", Coigne, Livery, "Horsemeat and man's meat at the Lord's pleasure". These are as dead as human sacrifice in the Plantation era.

The Elizabethan era marks the dissolution of the service nexus, which had been created for very good reasons, and was being now dissolved for better. At the beginning of the Lancastrian era in England the same symptoms were visible. An intense unrest was noticeable all over England. It was accompanied by a remarkable pugnacity on the part of the feudal Lords, who, in their broils with the Crown, or with one another, reduced England to the lowest depths of degradation to which it has ever sunk. The movement closed with an autocracy, the collapse of feudalism, the rise of the cities, the abolition of serfdom, the substitution of a cash for a service nexus, the inclosures, the rise of the squirearchy, and the right of the labourer to go where he listed and sell his services for cash. This movement had spread to Ireland. A modern generation is very apt to regard Imperial autocracies as the negation of liberty, but, compared with feudal, manorial, and tribal regimes, the Imperial rule was casual, indifferent, and easy going. When, however, Elizabeth set herself to break the power of the "great ones" at the moment when "the meaner sort" were revolting against exactly the same "Great ones", a situation arose in Ireland which spelt the end of the autocracies. When the Earl of Desmond fell, a slice of his estate was granted to Sir William Herbert, an English undertaker. At the same time the McCarthy wrung from the Crown a letter that his tenants should return. So far from the tenants expressing any desire to

return, they appealed to Sir William Herbert to fight their battles for them, and thus we have the spectacle of the English Undertaker bombarding the Crown with epistles, demanding that the tenants should live where they pleased, with him, with others, or with minor chieftains who had no such manorial privileges, with anyone save the great McCarthy with his seignoral rights and claims.¹ Herbert was successful. Again in the reign of James, when all this system had crashed to the ground, we find its shattered relics a bone of contention between Hugh O'Neill and Sir John Davies. "The Earl", wrote Sir John, "seeks to secure that, by order of the State, all the tenants who formerly dwelt in this country, but are now fled into the Pale and other places to avoid his extreme cutting and extortion, should be returned unto him by compulsion, albeit those tenants had rather be strangled, than returned unto him, for he will be master both of their bodies, and their goods. These tenants are not bondsmen and villeins, but the King's free subjects. This is not agreeable with the law of England, neither standeth it with reason of state or policy, for it was his usurpation upon the bodies and subjects of men that enabled him to make war upon the state of England."²

The interests of Elizabeth and James and the small freeholders, the bondsmen and the villeins were at one. The support given to great Lords by their meaner followers, and the patents sanctifying villeinage wrung from the Crown, are the exceptions, not the rule. With the fall of the Lords went Coigne, Livery, cuttings, spendings, exactions and dues by service. True is it that in some patents the dues by service remain, but they were fixed, no longer "uncertain", to be increased "at the Lords will". In the majority of cases they were compoundel for a monetary rent. In the plantations they were exchanged for a few acres. The climax came on the accession of James. Chichester issued a proclamation which definitely abolished villeinage. All "uncertain exactions" definitely disappeared. "The meaner sort were taken equally under his Majesty's protection." The subject was commanded to report any infringement of this proclamation. In Cork the hand of Sir John Davies fell heavily upon certain gentlemen who disdeigned the Proclamation.³

1) C. S. P. 1589—211. 2) C. S. P. 1604—160. 3) P. R. J.—419; C. S. P. 1606—409.

The villein was now a citizen. He could sue in a court. If he made money it was his own. If his overlord was not a *persona grata* with the Government, his own little rights were the special care of the sheriff. If there was an undertaker in the neighbourhood or a "civil" lessee of Crown lands, he could migrate to his estate; and receive cash for a day's work, sixpence a day, at a time when eggs were thirty a penny, and a pound of butter sold for a penny.¹ The new era of liberty had opened, and all men expected great things, the millenium, peace, prosperity, and all the other abracadabra multitudes associate, with a change from the existing order. One side of the agrarian revolution, however, was thoroughly black. The lords had gone. The chiefs were tamed. These Lords and chiefs were the only persons with the means and authority to cope with the serfs. Chichester had foreseen this. Once he warned the King of the danger of summoning chieftains to London, "as inconveniences arise among these loose people, when their heads are removed".² There was a second aspect of the situation. The chiefs may have taxed the tenantry very heavily, but they spent their rents right royally. The meanest of them kept Oriental State. Harpers, dogboys, runners, hangers-on and what not else loafed around these feudal menages, taking their modest share of those "uncivil exactions". The exactions were now gone, and this welter of "idle boys" had no means of support. Lastly, if serfdom was to be abolished, so too was the other side of serfdom, the protection of the Lord for his serfs. If the State decreed that these dues were "uncivil", if the serfs lifted up their voices and cheered the sheriff, the Lord was under no obligation to them any longer. It was more profitable to turn his demesne into a sheep ranch, and let them depart and get what they could from their friends, the Government. It was the same in England in the early days of the Tudors. When the English aristocracy were tamed, the highway men doubled.

The servile element lay at the bottom of Irish society, free from the control of their lords. This servile element at all times numbers about a sixth of the population, the remnants of some early Celtic wave, that submitted to the rest. Weak in physique, defective in courage, useless in war, helpless in peace,

1) Irish Archaeological Society. 1—6. 2) C. S. P. 1607—220.

and, like all servile elements, savagely cruel towards whatever man, woman, or beast, falls under the power of some camarilla, which is the only form of society it can evolve. The narrow face, sloping shoulders, puny chest, and weak mouth of this type is as well known in Ireland, as the Armenian in the Balkans and the Bengali in India. Davies attributed its existence to Coigne and Livery. "That exaction made the land waste, and the people idle, and so crafty for such as are oppressed, are always put to their shifts. Besides all the common people have a whining tone or accent in their speech, as if they did suffer some oppression."¹ It is to be feared the disease was older than that, and survived long after Coigne and Livery were gone.

It was not till the middle of the reign of James, that the authorities began to realize what a hornet's nest they had let loose by abolishing the landlord, and his sharp and drastic methods. Here are a few of the extracts from the State papers. "The gaols are full and there is much thieving." . . . A gang of 14 rebels, ranging through Galway and Roscommon, have committed many murders. . . . Feagh McTybbott walks abroad daily in Mayo, and robs daily with five other men. . . . Robbers are at large in the barony of Omery. . . . Rebels have broken into Mrs. Johnson's house, Strabane, and taken away £ 80. worth of goods. The savings of years have been taken in a single night. . . . Twenty robberies have been committed since Christmas, within a dozen miles of my home in Tipperary, yet none of us dare challenge the people whom we suspect. . . . They burnt the fair at Pallas, looting the houses while the people were trying to escape. . . . Martial Law is declared in Tyrone. Many of the heads of the rebels have been brought in by their former supporters."²

With such a situation in front of them, the Crown authorities were forced by circumstances to strain every nerve to find some form of sustenance for the large—the very large idle population. One of the first things that strikes the student of the State Papers, is the difference in tone between the jargon of State employed by the Tudor, and by the Stuart Statesmen. The Tudor officials talk of nothing but the pacification of the realm and the allocation of patents. The Stuart officials are always harping on ways and means

1) D. H. T. I—110, 183. 2) C. S. P. 1628—1629 . . . 355, 375, 396, 431, 433, 436, 450.

"to set to work the excessive number of idle young men". A Stuart suitor anxious for a concession, boasts that he had built a bridge, or made a road, or intends to do so. A Stuart official who wishes to pat himself on the back, dilates on the number of "painful persons" for whom he has found employment. The despatches of James and Charles harp incessantly on the creation of towns, the building of walls, the abolition of grazing, and display a royal scorn for sheep farming. The age was one of paternal and benevolent despotism. To James and Charles, Ireland was an Estate to be managed well, and not a country in which people had what we moderns call rights. Grazing was bad economy. Grazing must give way to tillage. According, lessees of the Royal Plantations were ordered to till, and their leases had a covenant to that effect inserted.

We thus get at the reason why the Planters were not massacred on their arrival. In a country wracked with agrarian dissensions it seems amazing that city bourgeois, Crown officials, and English financiers could quietly enter in, sit down in a disturbed area, and their thrive in safety. They were always men of means. The desolation of Ireland after the Elizabethan wars stares us on every page of the State Papers. The numbers cast adrift and without sustenance were a danger to the public peace. The entry of a capitalist, building and tilling, was, to many, like manna from Heaven. Add to this that on three-fourth of the Plantation areas native freeholders were springing up where there were none before, leaseholders were arising, where before there were tenancies at will, and we understand why the Plantation areas were the most peaceful and prosperous in Ireland. Leitrim, Longford, King's County, Westmeath, Queens County, North Tipperary, Cork and Carlow, were all re-organized on this basis.

The second feature of these Plantations was the Royal development of the small boroughs. They rise quietly and mysteriously between 1600 and 1640. Some were the work of Palatinate Lords. Thomond, for instance, was largely responsible for the development of Ennis and Carlow. Others were the work of officials, who got grants on the understanding that they nourished the boroughs. Belfast, Carrickfergus, Bandon, Clonakilty and Baltimore, are examples of this. Others were the work of syndicates like Londonderry and Tullamore. Whenever there was a

Plantation, however, a borough was incorporated, and incorporation meant self-government. The standing instruction in all Plantations was that "the natives were to be drawn into town reeds". The roving creaghtes, the wattle huts and yearly tenancies, the nomads of the mediaeval period, all begin to vanish before security of tenure and the inrush of capital, because capital got a far higher dividend in Ireland than it did in the richer country of England. An essay, obviously written by the Earl of Cork, gives us a clue as to why these towns sprang up in the Plantation areas. "The natives may be estated in convenient quantities. They will then build or plant, whereas now having no title and much of the land divided into petty tenancies, the people have no comfort to build or settle." After dilating on the military and political importance of placing Englishmen at intervals on the escheated fourth, he adds, that three towns should be developed. "These towns may receive charters from the king, the English being burgesses, and the petty Irish tenants for life of small proportions, and to dwell about the towns, and so their children learnt in trades. Such as are not of quantities to be made freeholders abroad may be here sustained, governed, and trained, and dwell in visible towns already. The towns to have fairs, markets, and other privileges. If the King would allow the rents of the Plantation to be allocated for a few years to wall the towns, that side of the kingdom would be more secured."¹ These were the motives that inspired men in high places, motives all the more alluring because they coincided perfectly with the State policy of "breaking the dependance of the meaner sort on their chiefs", destroying the clan system, and "setting the idle boys to work". Whatever defects the Stuarts may have had, they had a genius for combining the arts of a Machiavelli with those of a demagogue. If "the idle boys" were satisfied the Throne was safe.

Popular histories have poured on the Planters much scorn, partly because they were law-abiding, partly because they were Protestants, and partly because many were English. It should be remembered that industry is always law-abiding, that industry in Ireland is generally Protestant, and that, at this period, capital was only found in England. The fact remains that the Planters

1) C. S. P. 1625—1660—451.

were very popular. The Earl of Cork, with all his peculiarities, financed an enormous number of undertakings in Munster. Gookin, who operated round Baltimore and was denounced unanimously by the Irish Parliament, paid £ 1,000 a year in wages.¹ We get another glimpse of the actualities of the situation when we find Phelim O'Byrne, the Lord of South Wicklow, indignantly denouncing a mooted Plantation, because tenants, whom he did not like, fled from his wrath and were "entertained" by Parsons, a lessee of a neighbouring estate.² The influence, power and popularity of the Planter families was most visible in the emeute of 1641. Thousands were massacred, but thousands had a sufficient local following to ride the waves of anarchy and emerge triumphant in the end. Gookin, for instance, was able to raise a troop in West Cork.³

The Plantation policy had been much misinterpreted. We must remember that, before it came into vogue, the freeholders had no title, and had to pay heavy chiefries, and never knew when an emeute might expell them. To secure for the surrender of a fourth of their lands, a clear good title to the remaining three quarters was an excellent bargain, because in a few years the rise in the value of land was an ample compensation. The change of tenancies at will to leases for three lives was another boon of immense value at that period. It was really however the introduction of the moneyed men on to the escheated fourth that made these areas what they were. Mines, mills, fisheries, and small industries slowly emerge between 1610 and 1640. The appearance of Wandesperde in South Carlow, for instance, created almost a revolution in the life of the countryside. The fact was that feudal Ireland had weighed very heavily on the bulk of the nation. It is hard to say whether the wars or the exactions had been the worst. The ordinary change in tenures by the policy of surrender and regrant had benefited the free clansmen, but they were only a tiny minority of the country. The creation of the minor gentry as freehold squires took nearly a century to produce beneficial results. They had neither the capital to develop their estates, nor the experience, the tradition, or the desire. A class just emerging from mediaevalism, and from wars in a country that always lives on the

1) C. S. P. 1695—1660—186. 2) T. C. D. F. 3. 17. 3) C. S. P. 1625—1660—624.

brink of civil war, was undoubtedly unwilling to employ many men, and to build and till for future profit. Over and over again the statement is made that sheep farming and "creaching" were the chief occupations of the new owners. Connaught, for instance, into which Planters never entered remained, and remains still a Province of ranches. Exceptions of course there were like Thomond, the Antrim O'Neills, the Earl of Roscommon, the Esmondes, St. Leger, and Ormonde, but, as a rule, this was the reason why Plantations were made and Planters were popular. "The remote parts of Connaught are occupied by a poor and indigent people, as barbarous as the Moors. They pay their Lords public and private chiefties, though the same are abolished. The British and natives being mixed, the natives may become laborious, who are apt to labour by the good example of others, when they may have hire and reward. The Irish Lords and gentry do never give the poor people anything for their labour, which doth dispose them to idleness. The Plantation will procure men (i. e. Crown lessees) to set upon fishings, to build ships, and set upon iron works and the making of baize."¹

In 1625 Parsons uttered a paean of triumph. "The King's authority has superseded all local potentates. Now we have only to deal with a few Irish youths, whereas formerly there were combinations of three or four Irish Lords. About 200 Castles have been built, one walled town finished, and two others begun. The freeing of them from their Lords has been a great step. They now stretch their limbs in their new lands, and find themselves free."² It was a great paean, but one can detect an uneasy note running through it. All would be perfect if "only means were devised to set the universal idle hands of Ireland to work", if only "the course of religion were not troubling", if only "officers were not sent over", if only everything had not to be referred to London—a veritable series of ifs which make one suspect all was not well. Underneath it all there was a seething chaos of furies, rascalities, passions, hopes, fears, intimidations, and wrath, destined to sweep everything into anarchy.

1) C. S. P. 1625—1660—129. 2) C. S. P. 1625—58.

Chapter IV.

DEFECTIVE TITLES

The strong struggle in every individual to preserve possession of what he has found to belong to him, and to distinguish him, is one of the securities against injustice and despotism implanted in our nature. It operates as an instinct to preserve communities in a settled state.

BURKE.

The two administrations that had preceded Strafford's had been the weakest that ever mismanaged Ireland. Falkland was a well meaning and impetuous man, without a ghost of an idea of the undercurrents of Irish politics, and with none of that authority over the officials and political leaders, which was the first requisite of an Irish Viceroy. Cork and Loftus were only a stop-gap, an interregnum, immeshed in mutual dissensions. During the Vice-Royalty of Falkland the English Council had been so troubled with other affairs that they could pay little heed to Ireland. Foreign politics developed into a war, and were constantly disturbed by panics. Scotland was, to the most superficial eye, on the eve of rebellion. In England the Revolutionary Party was fast rising in popular esteem. Matters drifted in Ireland from bad to worse. Inefficient administration allowed rents to go by default, and the Customs to sink into the maw of a host of vested interests. The expenses of Government were fast increasing, as this function after that devolved on the Government. A deficit on the annual account and a floating debt of £ 80,000 was the legacy these administrations left to Strafford.

To tide over these lean years the authorities hit on the plan of extracting a benevolence from the squirearchy. Benevolences survived in Ireland down to the time of Strafford, and were regarded with as much equanimity as a Parliamentary vote of supplies is to-day. The squirearchy assembled in Dublin and there

demanding that the Corporations be admitted to the conclave. When this was done the general assembly demanded a redress of grievances. Falkland foolishly pleaded that he had no power to redress grievances, whereupon the whole conclave with one voice demanded the right to petition the King.

Anyone with the most rudimentary conception of political conditions could have foreseen what would have eventuated. Strafford never allowed anyone to approach the King, without first knowing what was his request, and having first tendered his own view of the matter in discussion, so that the King should, at any rate, have some expert comment on the grievance. The practice at this period was for the King, if he wished to refuse, to say he did so on the advice of the Minister, and if he wished to accede to do so "of our Royal Grace and Bounty". Kings were not supposed to "take the negative". Be that as it may, the whole conclave trooped over to London. There—behind the backs of the Irish Council who were never even consulted—from a smiling King and an ignorant body of English Councillors they received a whole series of Graces, cutting down the revenue, hampering the Army, passing away Royal farms, manors, and lands, and lastly awarding to themselves the lands of other subjects, who were either "mean in quality", or too industrious to worry themselves over political intrigues. The greatest and the most sweeping of all the Graces was the following: "For the better settling of our subjects' Estates we are pleased that an Act of Grace shall pass in the next Parliament touching the Limitation of our titles, not to extend above three score years as did pass here (England) 21 Jacobi."¹ The deputation then agreed to a Benevolence of £ 40,000 for three years, which was indeed not much after what had been "passed away". The feudal dues were reduced. The general hosting suspended. The Composition rents of Elizabeth were temporary withdrawn.² "These Graces", wrote a scribe, "far exceed in value what is asked of the Country in exchange."³ Then all returned homewards cheering with joy. The Contribution or Benevolence was less successful. It had to be extended over four years. Its collection was defective, grudging, and a failure.⁴ One gentleman in high places exempted all his own estates.⁵ The majority calmly

1) L. S. I.—320. 2) C. S. P. 1628—156, 330—338. 3) C. S. P. 1626—158.

4) C. S. P. 1632—659. 5) R. P. VIII. p. 26.

extracted the money from their tenants, debtors, or "meaner" persons, "most unequally freeing themselves" as Strafford later remarked.¹ When Strafford's first Parliament was on the eve of assembling, Charles, who was now aware of what he had done, remarked: "I fear that they will have some ground to demand more than it is fit for me to give." So pessimistic was he over the task of ruling a bankrupt country with a depleted Exchequer, through a Parliament clamouring loudly for the Statute of Limitations, that he suggested to Strafford the advisability of dissolving that body, and ruling through the latent powers of the Prerogative. "It is true your grounds are well laid, yet my opinion is that it will not be the worse for my service though their obstinacy make you break them. Take good heed of that Hydra."²

The clamour for this Statute of Limitations exposes the great defect of the Jacobean Settlement. The number of patents that had been passed since Elizabeth began her operations was legion. Those of the reign of James are innumerable. An abbreviated summary of those of the first eight years fills an enormous tome. A modern Government, working on Survey Maps, bound by regulations, watched by the Argus eyes of a critical multitude could not achieve this transformation with efficiency. The Government of James was the Irish Council, dealing with a country in which there was neither law, public opinion, or even knowledge of many counties. That they did what they did without an explosion is a testimony to the efficiency of their loose methods. Nevertheless there were ghastly chasms of chaos, due to contradictory instructions from London, political influences, unnecessary haste, and two eternal defects, that personal equation whereby a man with influence in Dublin, or likely to create trouble in the Country, or gifted with skill in intrigue, or powers of cajolery can carry measures contrary to equity, and secondly the widespread belief that the lands and funds of the State and the Common Weal are legitimate prey.

Lords had passed to themselves the lands of their tenants. Chiefs on submission had passed patents of the lands of Crown tenants. A Royal letter would arrive ordering a Chief to receive "his estate". Then lands to which "the patentee had not title

1) L. S. I—407.

2) L. S. I—233.

formerly" would be inserted in his patent. A letter would arrive awarding a soldier, official, or contractor, lands to the value of £ 20. On the strength of this letter lands would pass for £ 1.000 or £ 2.000. These letters used to be bought up by capitalists and turned to advantage. "For here", wrote Bramhall, as he looked around his plundered Diocese, "it hath been usual to pass an aliud et aliud with an alias, upon a letter for £ 20 to pass £ 30 or £ 40, to pass that for nothing in time of peace, which was found to have been worth little or nothing in time of war, and to take up appropriations as gentleman do waifs in England".¹ Headlands, fisheries, harbours, valuable rivers and forests had gone into private hands by this process, generally by the introduction of "general words" in the patents. Tenures had been shamefully abused. Men holding by Knights Tenure in Capite used to surrender and get a new patent in soccage, making no mention of the surrender, "to preclude His Majesty from all inquiry into former titles and advantages, as being an absolute grant". Connaught involved the greatest of all these scoops. Some of the Galway Merchants and Chiefs had "at the instance of Lord Wilmot" got from the King "a general surrender to grant back to all the inhabitants their land to be held in soccage tenure in chieffy", i. e. exempt from feudal dues to the King and yet legalizing the feudal dues over the tenants.² Lord Wilmot, the President of Connaught, had passed the Castle Lands of Athlone to himself, and then sold them to a large number of unsuspecting farmers.³

Here we have a vast vested interest, zealous for a ratification of all such bargains. True it is that the majority of these were passed after 1570, and therefore would not come under a Statute of Limitations, but, if the Statute was passed, where was the Royal Title to challenge these patents? The greater part of these patents were passed on the assumption that the land was the King's to give, and it could only be the Kings by ancient feudal titles, and the Act of resumption passed a century before. What was more the earlier Tudor patents teemed with the same defects, and the encroachments on Church lands had reached their highest point over 70 years before this Grace. When read in conjunction with certain other Graces, especially two, one forbidding enquiry into

1) C. S. P. 1638—182. 2) T. C. D. F. 3. 16. 3) C. S. P. 1615—1625—437.

the same scandal in regard to the Plantations, and another establishing in possession every *de facto* owner in Connaught and Thomond, the real gist of this Grace was a complete pardon and oblivion to all who by undue influence had seized on the lands of the State, the Church, and those of other subjects.

The effect of this Grace even went further. It was a barrier in the path of all Plantations. The only method by which compulsory powers could be obtained was by a Royal and seignoral title of two or three centuries old. This vanished with a Statute of Limitations. In Connaught, Thomond, Carlow, and Wicklow a man who had seized a plot in the "Stirs" became the owner, free of rent, free of feudal tenures, free of the necessity of granting leases, while, in other parts of Ireland, men, who had pulled no such strings, and told no lies at Whitehall, had submitted to these duties. What view did the meaner sort of those areas take of this transaction? What view did heavily burdened taxpayers take of this exemption of a fifth of Ireland? The story the Connaught Lords had told Charles was that James had promised that they would be exempt from a Plantation. James had never done anything of the sort.¹ "In regard to Connaught", wrote an anonymous Scotchman to the King, "your Majesty hath looseth more than you had gotten by the subsidies if they were fourfold".² Nor was the Revenue the only loser. Sixty years possession established something more than titles to land. It legalised every "exaction" in existence. The Royal Proclamation had only abolished the "uncertain exactions", like coigne and livery, blackmail and black rent, but it had not wiped out those innumerable dues, which were the growth of time. Anyone of these that had been in existence for sixty years immediately became as legal as the rent stipulated in a bond, without any hope of composition by a Plantation. Exactly the same consideration applies to that heavy load of taxation the Corporations used to impose on merchants and manufacturers.³ This is the meaning of the plaint of a Connaught clergyman, which ran as follows: "The landlords in most places pay nothing, yet increase their rent yearly. The poor tenant alloweth one workman every week in the year to the landlord called blackwork, that is to say having neither meat nor wages.

1) L. S. I.—320, 321, 457, 458; C. S. P. 1625—1660—213—215; C. S. P. 1641—275—278. 2) C. S. P. 1625—1660—137. 3) C. S. P. 1641—266.

The tenant reapeth his landlord's corn, maketh his hay, his turf, tilleth his ground, bringeth home corn, hay, and turf, and all without wages. If it be a rainy harvest, poor tenant loseth his own corn and hay. The landlord coshiereth with the tenant at Christmas, which is very chargeable. He hath at Easter half hogs, hens, custom hog, mutton and goose. Good King redress the defects and faults of Ireland. Henry Bell, Preacher."¹ Falkland had complained of this before, and had strongly urged a Plantation, of Connaught, but the fatal visit of the agents for the Benevolence had "dashed it" behind his back.²

There was even another incentive to this agitation, because it was an agitation in every possible sense of the word. Strafford refers to "the ravenous appetites they have here after the Statute of the three score years", and "a sore which we are sure will be rubbed on in Parliament at every turn".³ There were first the bona fide purchasers of these improper patents, which could always be challenged on the grounds that the patent did not agree with the signet letter. There were the purchasers of lands secretly feoffed, a most pernicious practice at that period, the Statute of Uses not applying to Ireland.⁴ There were men in whose patents there was a flaw. We must remember that patents had been poured out at the rate of a dozen or so a day, by an Executive which did not contain lawyers of the first rank. A flaw in a patent rendered it null, and made the owner liable to escheat. The number of such patents was legion. All during the chaos and the confusion of the Tudor times the Land Department had not only worked at full pressure, but without proper supervision. Sir John Davies, in the reign of James, was the first to introduce anything like organized scrivency. Here was a large body of law abiding and honest subjects, threatened daily with escheat for their bona fide possessions, and seeing in a Statute of Limitations something that gave some of them something like security of tenure. What had added to their peril was what Strafford used to call "the beagles". The Crown, in order to detect certain of the scandals alluded to above, had given men warrants to detect flaws, warrants whereby the major part of the escheat went into the "beagle's" possession. As may be well imagined the "beagles" were cautious of attacking

1) C. S. P. 1625—1660—277. 2) C. S. P. 1625—1660—128—129. 3) L. S. —280, 191. 4) L. S. II—18.

those with official influence or mobs at their command, and concentrated rather on the ordinary subject, the bona fide purchaser. These "beagles" were a regular plague in the country. Strafford attributed much disloyalty and disaffection to the King's Royal Patents being thus denied by men, acting as Royal agents "projectors of suits, wherein that Nation abounds as much as in any other cattle".¹ On paper these warrants were given to respectable persons, but they usually employed rural agents, obsessed, so said the Deputy, with "the importunity of greedy minds", who turned what was meant as a check on defective patents and a means of recovering revenue into blackmail, pure and simple, "carrying the best part of the profit from your Majesty", and the original official.² The method was to approach the patentee, and draw doles for "saying nothing". There were men who, having paid blackmail to one of these creatures, were then confronted by another, and sometimes paid half their rentals in protecting their properties.³ This is Strafford's view of two attorneys employed by Arundel on this errand, Arundel who never forgave him for this scorching tirade. "It is not comely for your Lordship to permit such a pair of beagles to hunt over Leinster, prying for legal advantages, turning out the ancient owners, no way privy to the supposed frauds, and separating the subjects from the promised protection of His Majesty. One is a person infamous, the other not of sound repute. Five Marks handsomely converged from the persons concerned into their pockets will still any pretences intrusted them by your Lordship."⁴ James one time issued a warrant to inquire into concealed feudal tenures in Connaught. We know for a fact that beagles hunted well over that Province. The report from the Exchequer runs as follows: "We do not find that anything has come into the King's coffers under this head."⁵

How Strafford succeeded in inducing the House of Commons to grant the Supplies, without according the Statute of Limitations, is described elsewhere. Suffice it to say that his strategy was to promise a legal inquiry into every Defective Patent, followed by a good and Parliamentary Title. This was made a grave charge against him on his downfall, "denying to the subject the King's Graces", and historians have gone further in stating

1) L. S. II—18. 2) L. S. I—92. 3) T. C. D. F. 3. 17. 4) L. S. II—30.
5) C. S. P. 1641—276.

that, by adopting this method, first of throwing the onus of refusal on Strafford, and secondly by substituting a Commission of Defective Titles for a Statute of Limitations Charles broke his Royal word. It is clear, very clear, that when Charles promised a Statute of Limitations he was not promising to perpetuate the series of scandals and injustices already outlined. He had been told that James had already promised to forego the Royal Title to Connaught. He was told, which was a fact, that save for a few applotments there were no more Royal compounds. Then the serious and real grievance of the holders of Defective Patents was outlined, and there was nothing more natural than to remedy this grievance by this method. Where Charles blundered—and he frequently blundered through this defect—was that he listened to the eloquent spokesmen of the Irish Deputation, and did not consult his Irish servants. This habit of preferring the advice of unofficial subjects to his Ministers was the secret of Charles' downfall. The reason was obvious. He had seen enough of the Court to distrust all his Ministers. To Strafford for instance he was an enigma, whose confidence was never won, whose next move was a mystery.

A Commission of Defective Titles remedied the just grievance which Charles had intended to redress, on which the agents had been most vociferous. It did not fulfil the letter of the promise, but it amply fulfilled the spirit. A Statute of Limitations only strengthened titles sixty years old, but the Commission of Defective Titles was able to cope with those patents of the year before. A Statute of Limitations would make 60 years possession a good title, and debarred claimants with just and honorable claims, and left those with pretensions, labouring under an intolerable sense of grievance. The young Earl of Kildare told the House of Lords that the Civil Wars, a long minority, and the law's delays had prevented him or his father suing an ejectment, and, if that Bill had passed, gone were his hopes of an ancestral estate.¹ The disturbances of the 16th century had left a host of claimants to land, of men in possession, and men dispossessed by violence. The organization of the Law only began to operate fully in 1610. Even then it was as tortuous as Chancery at a later date. The Coun-

1) T. C. D. F. 1—6.

oil could veto a suit. The King could veto a suit. Letters to delay proceedings are scattered all through the State Papers. Add to this what the House of Commons called "the manifold inconveniences caused by the embezzling, burning, and defacing of records" and we understand why there were so many agrarian disputes in Ireland.¹ "This Commission", wrote Strafford, "will resettle all men's minds after the distempers and disturbances, which they have endured by the late rebellion here." When controversies between subject and subject, and Crown and subject had been settled on some general basis, when Ireland was "brought nearer to the condition of England than it now stands", then it would be possible to pass a Statute of Limitations.² It is significant that the English Statute of Limitations was not passed till 130 years after the Wars of the Roses.

The legal principles on which this Commission worked he procured from three judges in England, "all the judges and lawyers here, being in one case or other parties by reason of their own estates, and so deliver the law to be such, as may amongst others, save their own stakes for Company".³ In the initial stages of Irish law, when judges were paid by patents in lieu of cash, it was almost impossible to procure a judge who could not help being biassed one way or the other. It was probably this defect that had made earlier Commissions for Defective Titles into distributors of Crown and Church Lands in soccage to all and sundry, and estates of some men who deserved them to others who did not.⁴

It was by the offer of this Commission that Strafford induced the Irish Parliament to pass the subsidies. Dealing as it did with a just and widespread grievance, it may be regarded as the most popular Act of his career. The preamble to the Subsidy Bill in his second Parliament runs as follows: "And we thank His Majesty particulary for the large and ample benefits, which we have received and hope to receive by His Majesty's Commission of Grace for Remedy of Defective Titles."⁵

The importance of this reform has never been sufficiently estimated. In eight years it established a very large number of titles. In the Elizabethan and Jacobean period disputes for possession of land were the pest of the Country. The State Papers are

1) L. S. I—310. 2) L. S. I—320. 3) L. S. II—192. 4) T. C. D. F. 3. 16.
5) C. S. P. 1641—265.

littered with violent controversies, in which it passes the wit of man to decide who was the real owner of an area. Tanistry, gavelkind, contradictory patents, custom, ancestral rights, and a host of other considerations perplex the most conscientious inquirer. From the date of the Commission of Defective Titles all these questions were brought within a compass with which a lawyer could deal. We no longer have O'Donnells in Donegal "flying out" because the Crown favoured O'Connors in Sligo. The question from that date is the patents of Strafford's Commission, and whether the Crown had the force to defend them against subsequent upheavals of those who, without such patents, demanded the land because they were strong and the owner weak. In such cases the "stirs" are mild compared with those of the Tudor period which always began with a conflagration of at least a dozen "villages".

The House of Commons saw in this reform a chance of "improving, planting, and building in this land, for the inhabitants either through carelessness of that whereof they fear they are not secured are disheartened from making their possessions beautiful or profitable".¹ The Royal Warrant establishing the Commission based it on "defective titles that impede husbandry".² The very Statute against fraudulent conveyances and secret feoffments, according to Strafford, added four years' purchase to Irish land.³ Strafford himself declared that "the taking off of all questions between them and the Crown not only contented them, but encouraged them in industry, now that they find they are to enjoy the fruits of their own labours".⁴ In the years that followed this measure "the considerable improvement in the values of land" doubled the value of every acre.⁵ Security of title more than anything else had achieved this transformation. The movement that had begun with the Tudors was now reaching fruition.

The Warrant empowering this Commission to act gives us some idea of the vast powers it possessed. On petition from a landlord or a tenant, or on its own initiative it could act. It could compound for a Crown Title, for all rent, dues, and taxes that were in arrears. It could create a new rent, or alter the tenure, but it could not grant a feudal right over subtenants above a

1) L. S. I—311. 2) C. S. P. 1634—56. 3) C. S. P. 1636—134. 4) L. S. II—18.
5) T. C. D. F. 3. 15; L. S. II—434.

certain limit. If a title was defective and the owner did not appear to compound, it could put the land up for auction. It could appoint sub-committees to deal with any matter it pleased. What was of more importance, however, was that any two members and the Lord Chancellor could pass a grant. This swept away the old difficulty of a Royal letter from London, and abolished another scandal, the liability to escheat if a legal wiseacre could find any discrepancy between the patent and the letter. Furthermore no patents of any kind could be granted in London or Dublin without the consent of this Commission. With this power in his hands Strafford was able to block, by an appeal to the Commission, many a letter "wrung on false considerations" from the London. Finally an Act was passed giving a Parliamentary sanction to all such titles. With such a patent in his possession a landowner was safe for all time. No discovery of concealments, Royal Titles, hidden patents, or fraudulent conveyances could nullify a patent based on this Act. Lord Chancellor Bolton not inaptly dubbed it "The Golden Act worth to the subject many millions of money".¹ Pending the passing of this Act estate-owners did not pay the fine or increased rent, for which they had compounded, and the Act itself was word for word the same as that passed in the reign of King James in England "for the confirmation of copyhold estates on like composition."²

Of the operations of this Commission we unfortunately know very little, except what can be picked out of odd Charters and odd passages. The secret of its success was the personnel of the Commission. Strafford always presided. Except for Wandesforde, Radcliffe, Bolton and Lowther, the Lord Chief Justice, all the Members were not only Irishmen intimately acquainted with Ireland, but Irishmen of exceptional ability. Ormonde was the greatest of the Irish Viceroy's after Strafford. Ware was the founder of Irish archaeology. Coote was a soldier of no mean repute. According to Strafford the ablest of his retinue was Dillon. The night before he was executed, he recommended all these men to the King, but opposite Dillon he wrote "ability above all the natives."³ One incident alone reveals this. On Wandesforde's death the King suggested Dillon as Lord Justice. Instantly

1) C. S. P. 1634—56; T. C. D. F. 1. 4. p. 21. 2) L. S. I—191, 240. 3) L. S. II—418.

every section of the Irish Committee for grievances violently protested. A man feared and hated by a whole revolutionary cabal could by no means have been a figure head, but on the contrary one with the wit to perceive and the strength to resist "the particular aims" of the members of that body.¹ To the arid and official Parsons and the aged and inoffensive Borlase the Committee of Grievances expressed no such hostility, and the result of their helpless regime was the rebellion of 1641.

The result of the Commission's operations was that the Revenue was increased by £ 3,000 a year.² This was due to one reformation Strafford made. He complained several times that the judges by relationships, personal ties unwillingness to give offence, and sometimes personal interests were so tied and prejudiced that they would not or could not give the Commission the law and nothing but the law in deciphering the patents before the Commission. We get one glimpse of this undercurrent in the Egmont Papers. When the Court of Wards was dealing with the Estate of Sir Edward Denny, his Counsell moved for the discharge of the Estate from the control of the assignees. Over a portion there was some controversy. The Court asked the head Clerk, Sir Philip Percival, to produce all previous documents. Sir Philip produced a record of a date when the case was set for hearing and Sir Edward Denny had allowed judgment to go by default. With this record before them the Court refused to give him a title to that parcel. For this conduct Sir Philip Percival received a threatening and indignant letter, with an underlying challenge to a duel.³ These were some of the influences which made judges loathe to "give the law" openly. Strafford to overcome this judicial bashfulness and "prejudice in favour of particular persons", arranged that the two legal members of this Commission, who were supposed to detect flaws in patents and make those issued watertight — the other members being men of affairs rather than of law — these two were to receive a Commission of 4s. in the pound on all increase in rents made during a current year", arising from their discoveries. "Now they do intend it with a care and diligence as if it were their own private."

1) C. S. P. 1625—1660—233. 234.

2) L. S. I—90; C. S. P. 1641—299.

3) Egmont M. S. S. I—109, 110.

"Reward well applied", he added, "advantages the services of Kings extremely much, it being most certain that not one man of very many serve their Masters for love, but for their own ends and preferments, and that he is in the rank of the best servants that can be content to serve his Majesty together with himself".¹ One thing we may be certain. No patent passing 1.000 acres "in general words" ran the gauntlet successfully of that Commission with the two legal members drawing a profit on what they could detect.

Sir Philip Percival in a letter to a kinsman, whose patent was defective, wrote "the aim of the Lord Deputy is to confirm the estate of the possessors, and resolves, with all these cases, to have an increase of rent and a capite tenure of part of the land."² A subsequent patent shows that the rent was £ 14 for about 3.000 acres, with about 800 held in capite by Knights service.³ This may be regarded as typical of the new patents in which the Crown surrendered its right to an escheat. When the Chichester estate came before the Commission the area under Knight's tenure is smaller, but, on the other hand, the Crown escheated the advowsons and tithes of the Church of Ireland which had been in Chichester's possession.⁴ In the case of the Ulster Planters, where patents passed for 1.000 acres covered four or five times that area, and where the in capite tenures had been evaded, Strafford doubled the rent, put two-thirds under Knight's tenure in capite, and escheated tithes, advowsons, and manorial rights.⁵ This was of course an extreme case, but as a rule, as Radcliffe put it, "a great many people have got Parliamentary titles at low rents."⁶

Carte, the historian, has suggested that the Commission of Defective Titles was simply a weapon for revenue, bearing heavily on those who had a petty flaw in their patents. The few patents that survive reveal a studied moderation upon the part of the officers of the Crown, and an unwillingness to sacrifice moral equity to legal prerogatives. For instance there is only one case on record of an escheat, and for that there was compensation, not one in which the whole estate was placed under Knights Tenure in capite, or one in which the rent equalled half that of the rent charged to Planters in the original Plantations, save of course,

1) L. S. II—41. 2) Egmont. M. S. S. I—98. 3) Egmont. M. S. S. I—99.
4) C. S. P. 1638—199. 5) C. S. P. 1641—277, 298. 6) T. C. D. F. 3. 15.

the new patents to Ulster Planters. The very fact that, for five years, this Commission only brought in £ 3.000 a year, and that Strafford regarded £ 4.500 a year as its maximum possible yield argues — as he used to put it “no prodigious getting or covetousness”.¹ When we remember the gloomy shadow of escheat that lurked over hundreds of estates, its removal and banishment for £ 3.000 a year, when the Crown had the power to multiply this sevenfold, we can only regard Carte’s sweeping assertion, for which his papers give no justification, as a generalization based on the inevitable grumblings of those, who were not completely satisfied with everything in this world, men who, as King James once put it, “seemed to regard the Kingdom of Ireland as if it should be the Kingdom of Heaven.”²

There was however another side to the question, or to be more accurate several other rather murky aspects, of what at first sight seems a reasonable solution of the vexed claims of Crown and subject to certain applotments. One must always remember that, in dealing with affairs of State, there is one eternal and everlasting struggle between the Guardians of the Exchequer and those with “particular aims at the expense of the common weal”, and the most active spirits in affairs of State are always those with “the particular aims.” The ordinary subject never troubles himself about politics. When Strafford by diplomacy, bargaining, and iron determination broke the agitation for a Statute of Limitations, and substituted an inquiry and composition on the merits or demerits of each man’s patent, he amply satisfied a great popular grievance, but he made some very angry enemies. Two members of the Council—Mountmorris and Ranelagh—actually tried to balk him in the House of Lords.³ The prime cause of this secret undercurrent of hostility lay in the widespread encroachments on the Church lands, by violence, influence and illegal leases, encroachments without charter, patent, or warrant which this Statute of Limitations would have legalized. True it is that Strafford devised a special code of compositions and compensations in regard to these titles, whereby a purchaser got his money refunded and a 21 years lease in addition, but between this and the ownership in fee that had been expected, there was a vast hiatus.⁴ At a moment when in the three Kingdoms a strong

1) L. S. II—8. 2) H. C. I—304. 3) T. C. D. F. 1. 6. 4) L. S. II—171.

agitation was rising, masked by religious warcries, to pass the lands of the Church into private hands, after the example of the monasteries, there were men in every Country, and of every class firmly convinced that such an agitation should come to a head before their estates, at any rate, came before that Commission. Strafford's very first act for instance was to "call in question" Lord Cork and Lord Clanricarde for tenures of this description.¹ It is one of the most curious symptoms of the time that, whenever a measure was proposed, having a remote bearing on the question of Church Lands, Strafford encountered opposition in the most curious quarters. One of the great difficulties with which the Commission had to contend was the non-registration of documents.² At its Sessions it never knew what new patent would not be produced, with the result that adjournments and confusions were frequent. Strafford asked for permission to issue an order in Council that all patents should be enrolled. The result of this would have been that the Crown lawyers would have very soon detected where men had not patents to these Church lands, and where they had only illegal leases. The Council in London refused on the grounds that, if a patent were enrolled, its legality was recognized. It required lengthy arguments to prove that this was not sound law, and, in the end, all patents were enrolled for all men to inspect, a reform much needed in a land, where purchasers had the utmost difficulty in searching for title.³

A Commission thus equipped was not popular in certain circles. To the average man anxious to strengthen his title on composition it was a boon and a blessing. The House of Lords urged Strafford to cause it to act with speed. The Commons congratulated him on its efficiency.⁴ It lit however on some scandals and one was that of the passing of the lands round Athlone Castle.

The President of Connaught and the Commander in Chief of the Irish forces, in the previous administration, had been Lord Wilmot. Such was his influence, popularity, and pliability that it was on his advice that certain Connaught Lords had been allowed to surrender their estates, and receive them back in soccage tenures, and what was more receive them in fee, without any conditions as regards the undertenants. The manor of Athlone had been

1) H. V. C. VIII—292. 2) T. C. D. F. 3. 16. 3) L. S. I—346. 4) T. C. D. F. 1. 6.; H. C. J. I—126.

once reserved to pay the expenses of the President, his Court, retinue, and clerks. Wilmot procured a Royal letter authorizing him to "make a Plantation" on these lands, never informing the authorities that these were Crown lands, charged with certain State expenses. On the plea of "making a Plantation" he sold these lands to certain local farmers, and, having placed the money in his pocket, retired to England, the authorities having but a vague idea that "estates in fee farm had been granted to the inhabitants".¹ Before retiring he favoured Strafford with an essay on the importance of keeping up a large army, and urged him to lose no time in "devising how to have that cost made up and supplied".² The Athlone affair had cost the Exchequer £ 700 a year. Wilmot must have got wind of Strafford's queries, as regards this contract, because, as early as 1634, he said to the Master of Charterhouse "I hope the Lord Deputy will not conceive ill of me, who never offended him".³ The probability is that the appointment of Sir Charles Coote to be one of the Commissioners for Defective Titles alarmed him. Coote, who was Provost Marshall for Connaught, had raised this very question about Athlone ten years before, but had been severely snubbed. A few months later Strafford reported the affair to the King.⁴ Wilmot appealed to Cottingdom for aid, and that Statesman gave him the advice, which all Strafford's friends gave officials who had been caught napping, "Write to him yourself".⁵ Wilmot foolishly despatched Barr, the Manager of his Ulster iron works, to Court to accuse Strafford of embezzeling the Customs, an intrigue, every inch and ell of which Strafford knew by means of the agents he kept at Whitehall.⁶ Pending the development of this plot, Wilmot announced to all and sundry that he had succeeded in getting the inquiry transferred to London where "I am better regarded than to be abandoned to the Deputy in Dublin".⁷ Then he wrote to Strafford indignantly protesting his innocence, and denouncing Coote as "a venomous fountain, a malicious enemy, ungrateful, for he hath eaten of my bread".⁸ This was scarcely discreet, as Coote was one of Strafford's most trusted officials, being one of that little gathering of native gentry—he was of the Dublin bourgeois families—who had assisted him

1) C. S. P. 1622—351, 352, 409, 436, 437; C. S. P. 1625—1660—323. 2) L. S. I—61. 3) L. S. I—338. 4) L. S. I—341. 5) L. S. I—369. 6) L. S. I—381. 7) L. S. I—399. 8) Cowper M. S. S. II—75.

valiantly and well in much of his political business. In the meanwhile Wilmot made valiant efforts, by tending submissions and compositions in London, to escape the full force of a fine, and, this failing, he wrote to Strafford, accusing him of unfair dealing, and threatening him with the King's displeasure.¹ Wilmot, it should be recollected, had held his head very high in Ireland. The President of Connaught and the General of the Irish Army was in those days no mean person, and the probable explanation of his extraordinary truculence was irascible old age, and long service in the Army. Strafford took these humours calmly. "Neither his great looks nor his great words shall frighten me out of my duty". He suggested that Wilmot should surrender what lands he had kept for himself, the tenants should surrender and take out new leases, and Wilmot should give them back their £4.500. If he did not do this he should face the Castle Chamber. "He will not be displeased to pay for his peace in this business, so he be not questioned concerning the surrenders of Connaught, or the Company he cessed on the Province, putting the pay in his own purse." Strafford has been condemned by Clarendon for his "overhot" proceedings against "men of quality". If he erred at all, it seems to have been in regard to letting old scandals lie, when their resurrection only meant trouble and no profit. Like a famous Indian proconsul, he could be astounded at his own moderation.²

This course was approved by the King.³ As Strafford had foreseen Wilmot tendered his submission, cried "peccavi", and promised to make good all depredations.⁴ "Wilmot has visited me", wrote the Deputy, "and now that he is able to do me no more mischief makes great professions. I do him all civilities, and wait upon him to his coach. I have no desire to hurt him, but the King must have his land. For the love of God forget not the Bill in the Exchequer Court".⁵ Strafford refused to stay civil proceedings, till the land was made over, and the tenants repaid. "It standeth with all honesty his Lordship should restore unto them the monies. This I hold more necessary than any other."⁶ There were some difficulties in the negotiations; Wilmot seems to have been most unlucky in his agents. Barr is thus described by Strafford "A

1) Cowper M. S. S. II—83, 85, 91. 2) L. S. I—402. 3) L. S. I—423. 4) L. S. I—477; C. S. P. 1625—1660—217. 5) L. S. II—22. 6) L. S. I—496.

broken pedlar, a man of no parts, who defrauds your Majesty's Customs and helps contumacious persons to escape"¹ With another, Skinner, whom Wilmot employed in this case, Strafford refused to deal, and only interviewed him once, and then in the presence of witnesses. "I hold it not safe to have any private speech with him. He hath dealt most lewdly and wickedly with me." The only other trace of a Skinner at this period is one who, on the Restoration, tried to raise a mutiny among the troops, declaring he would "be true to no King or House of Peers, but would adhere to the good old cause".²

In the end the lands were made over. A passage in one of Strafford's letters shows that the £ 4.500 was made a debt to the Crown who recompensed the tenants by special agrarian privileges,³ The last court intrigue of Wilmot's was an effort on his part to be made Governor of Newcastle, which lay in Strafford's Presidency of the North. "Let your Lordship have an eye thereto", Strafford wrote to Northumberland. "Through his age and infirmity he drownses four parts of his life between sleeping and waking." This aged General—he was nearly 80—a party at Court sought to place at Newcastle on the eve of invasion for no other reason than, as Strafford put it, "to displease me in my Lieutenantancy". Military commands in time of war, like Providence, "move in a mysterious way".⁴

Be that as it may the Defective Titles Commission had made a very bitter enemy for Strafford. Wilmot flung in his lot with that rapidly growing cabal at Court, which, in the end, flung Strafford to the wolves of Revolution as the scapegoat for all the inefficiency, corruption, and rascality of Whitehall. It was Wilmot who sent Barr to Court to accuse Strafford of embezzling the Customs, and Barr was assisted by Mountmorris, Windebanke, Holland, and D'Arcy who was Clanricarde's agent during the furore over the Plantation of Connaught. When Pierce Crosby and Lord Esmonde accused Strafford of murdering a man in Dublin Castle, Holland and Wilmot were implicated in that intrigue.⁵ "It is not to be believed" wrote Strafford on the eve of his departure to London, there to face the music after Newburn "how great the malice is, and how intent they are about it. Little

1) L.S.II—107, 229. 2) C.S.P. 1625—1660—717. 3) L.S.II—9, 22, 81, 89.

4) L.S.II—280. 5) C.S.P. 1638—204.

less care there is taken to ruin me than to save their own souls. Nay for themselves I wish their attention to the latter were equal to that they wish me in the former".¹

When the crash came the Defective Titles Commission ceased to operate. No one would appeal to it for a patent, not knowing what the morrow would bring forth. Certainly no one cared to sit upon it, and sue men like Wilmot, who had sold bad titles for good money to unsuspecting citizens. "The Defective Titles Commission" wrote the Lords Justices "which used to bring in £ 3.000 a year is now at a standstill."² The Revolutionary elements had discovered a new method of dealing with agrarian problems, petitions to the English House of Commons, sonorous judgments by Pym and Prynne, and what Strafford used to call "all the other odd names and natures", sonorous ukases in favour of those who "had suffered for liberty", and then pandemonium on the Irish hillsides. "Mr. McDonough's son says he has direction from the Parliament of England to get all back. The tenants dare not graze the lands and all will be waste." So wrote Mr. O'Callaghan to Sir James Craig.³ Teig O'Connor Sligo sold his Manor to Strafford, and then, without even petitioning the Parliament, gathered a crowd and seized on it.⁴

To allay all these disputes the King promised the old Statute of Limitations, and there was joy among the Connaught Lords and all the men in dubious possession.⁵ Instantly all that tangle of ancient tribal and personal dissensions over mutual, feudal, and customary rights, which could only have been settled one at a time by the Commission, or by a Plantation, became acute and urgent, when it was known all over Ireland that seignorial rights of 60 years became ownership in fee, and possession was an effective barrier to tanistry, custom, or law. The intriguers however forgot something. To procure a Crown patent for their dubious titles, they had disrupted the reticulation of forces that gave the Crown the strength to protect its patents. They had coquetted with rebellion in Scotland, riot in London, and sedition in Ireland. They had torn away bulwark after bulwark of the State, reared by centuries of experience and trial, and, when they procured their Statute of Limitations, there was no State, no Army, no Revenue,

1) R. C.—218. 2) C. S. P. 1641—299. 3) Egmont M. S. S. I—142. 4) C. S. P. 1641—312. 5) C. S. P. 1641—269.

no law, nothing to give their new patents validity. Within six months of this Proclamation all Ireland was in some form of rebellion.

In a year there were six armies and much confusion. "Particular aims had destroyed the Commonweal", and, with it gone, there was neither wealth nor honour for successful greed to enjoy. This state of affairs continued till the arrival of Cromwell, whose escheats were by no means confined to £ 3.000 a year, and "Parliamentary titles at low rents". The financial manoeuvres of military dictators, while smothering anarchy, are less moderate and more effective than those of sober statesmen, moulding a realm in peace by the aid of popular consent.

Wilmot appeared once again demanding justice. He had promised to pay his £ 4.000 in instalments, and part of the security was his pension. "My Lord of Strafford, who alive nor dead doth not let me rest, hath left his warrant in Ireland to stop my entertainments in regard to that business of Athlone. I ask his Majesty to release this command, and let me submit myself to a trial at law. My Lord Lieutenant and I mean to go to the King about it."¹

"My Lord Lieutenant" was Leicester, of the Northumberland party, who, at the crucial moment, flung in their lot with the new gods. "You were for the Parliament all the way" said the King to Northumberland.² Lady Carlisle, who had strained every nerve, to make her kinsman Leicester a power in the land, "had changed her gallant from Strafford to Pym and was become such a saint that she frequented their sermons and took notes".³ Wilmot had found more pliable friends than the iron Strafford, whose last reference to that ancient warrior ran as follows:— "He doth nothing. He will do nothing till he be roundly proceedeth with. Stop all his entertainments and that will bring the business to an end, and the King and the poor tenants to their right. All till then is but sport for him to laugh at."⁴

1) Cowper M. S. S. II—287. 2) Spalding. History of the Troubles. I—189.

3) Memoirs. Warwick.—204. 4) L. S. II—205.

Chapter V

CONNAUGHT

By suffering the several districts and several of the individuals in each district to judge of what part of the old revenue they might withhold, instead of better principles of equality, a new inequality was produced of the most oppressive kind. Payments were regulated by dispositions. The parts of the Kingdom which were most orderly bore the whole burden of the State. Nothing turns out to be so oppressive and unjust as a feeble Government.

BURKE.

If an inhabitant of Ireland, at the end of the 16th century, had been asked to foretell what part of Ireland was destined to be the most prosperous and peaceful, he would have instantly put his finger on Connaught. On no part of Ireland had the gods smiled with such indulgence. It was governed by a President and a Council, always on the spot, able to deal promptly with every crisis as it arose. It had been ruled for 12 years by Bingham with astounding success. Its administration cost the central Government not one farthing, when thousands were being poured out on the pacification of Ulster and Munster. "The Province", said Bingham "has totally defrayed itself since my coming to that Government."¹ The Army of 500 men, with which he policed a Province, in which the Lords could bring out 4,000 swordsmen, contained very few that were not natives, so firmly ensconced was the local Government.² Disturbances there were, it is true, violent raids for cattle, "cuttings off of good subjects", incursions and excursions, but the State held Connaught in as firm a grip as a modern Government holds a City, despite the appearances of the foot pad and the burglar. The Army which repelled the Spaniards at Kinsale was largely composed of Connaught levies.

1) C. S. P. 1592—35; 1595—471. 2) C. S. P. 1595—355, 363, 452, 503.

It was a Province with great natural advantages, a sea board on the North and West, dotted with harbours, and a navigable river flowing down the East and South. Its arable land was three times as extensive as Ulster. It possessed a seaport City, second only to Dublin, whose Norman inhabitants had built up no mean trade. In the reign of Charles I. in one year, Connaught shared with Munster the pride of exporting no less than £ 100.000 worth of woollen yarn to Norwich.¹ Southwards in Clare the Earl of Thomond had incorporated Ennis, which had been made into a staple town.² What had added to the tranquillity was the association of both Thomond and Clanricarde with the Crown. The two Palatinate Lords, the men who, in other Provinces, would have been in revolt, were, in this Province, Ministers of the Law. One was President of Clare and the other of Galway. Connaught was before the other Provinces in turning away from bellicose feudalism, and a chapter of accidents left her the most backward, barren, expensive and useless area in Ireland, to which no one dreams of migrating, either for business or for pleasure.

What had made Connaught thus leap forward into prominence was the abolition of cess from one end of the Province to the other in 1575 by Sir Henry Sidney. This reform was perfected by 1585 through the exertions of Perrott and Bingham. By this Composition the Crown surrendered all its powers of cess, and those vague but none the less real powers of "coshiering" on the subject. In return the Lords guaranteed to pay a rent of 1d an acre, and to provide, in time of war, a "rising out", fixed as regards numbers and duties. The third consideration was that the Lords were to exact no blackmail, coigne, livery and cess from the subjects, save this penny an acre. The intention of the Crown and of the signatories to the treaty was that, at a later stage, all the other agrarian questions were to be settled, viz.: division of boundaries, demesnes, chiefries, and tenant right. In certain of the indentures, like that of MacNamara of Clare, the demesne was stipulated, and, in a few cases, patents were granted, but otherwise the Composition agreement stipulated only freedom from cess and payment of rent.³ This Composition at one blow broke the power of the Connaught Chiefs. On Bingham's fall—due to a scratch alliance between the

1) T. C. D. F. 3. 16. 2) T. C. D. I. 5. 27. 3) M. P. R. Elizabeth.—136, 137, 138, 141, 142, 145—150; L. S. I.—456.

Connaught Chiefs and a Cabal on the Council—nearly all the Lords went into rebellion, refused to pay the rent, tried to exact bonnaght, and endeavoured to restore the old regime, but the tide of affairs had flown too far. Some were slain in rebellion. Others were executed. Some “came in and submitted”. When James came to the throne the situation was this. The Abbey Lands had all been “passed away”. The greater part of the Church Lands were “passed” either by patent or by lease. A certain number of demesnes had been “passed” to chiefs, and here and there were estates, manors, and castles passed to this chief or that chief, either by the Composition or by individual patents. The greater part of Connaught and Thomond, however, was Crown property by the Act of Resumption, passed in the reign of Henry VII., and whole baronies were without a legal owner.*

Other matters claimed the attention of the Crown for the first 30 years of the 17th century. In fact one has a suspicion that the Royal title and, what it meant, had been completely forgotten in London. It was no part of the business of the Council to remind the King of this lapse. A large part of the misapprehensions of Irish history are due to an assumption that the Council consisted of a body of English supermen, watching every flaw in a title, either to increase taxation, or to confiscate the lands of Irishmen. On the contrary the majority of the Council were Irishmen, very human Irishmen, with friends and connections and interests in every corner of Ireland. Who were they to bring a storm round their ears by telling the Council in London that rents could be trebled in Connaught? Who were they that they should, by a stern sense of duty, bring a cataclysm down in the heads of men, with whom they wined and dined, with the certainty that any profits would go into the hands of courtiers and London contractors? Lastly the London authorities had a most disagreeable knack of applauding the Dublin Council, when it was stern and did its duty, and then, when the storm was at its highest, it used to turn and sympathize with “oppressed subjects”, disowning the Dublin officials, and flinging them with scorn to those who were denouncing their “oppressions”. None of the old hands who had weathered the Elizabethan storms told a Deputy, where there were sources of revenue, or abuses that should be remedied. They had been too often “discouraged before your subjects here”. Straf-

ford says that they concealed everything they could from him, and displayed a profound gloom when he talked of collecting arrears of rent, or asking "men of power" how they came by their curious patents. "I see it is a maxim here to keep the Deputy as ignorant as they possibly can, yet so albeit not in peace, yet he may be subordinate to them in knowledge, which I take to be the reason that not any of them hitherto hath made me any proposition for the bettering of the service. I am purposed to keep my eyes open."¹ Once he suggested that the squirearchy should tender a benevolence, and treated the Council to a magnificent burst of oratory that one would have thought should have moved even old Lord Chancellor Loftus. "There followed a great silence . . . Parsons was the driest of all the Company"² It was not till after about a year that he solved part of the mystery. "They have swallowed this maxim that the revenue must be rather over than undercharged, because, if there once be a surplus, it will be carried over to England."³ He assuaged their feelings on this by refusing to despatch a copper across the water, after which these "great silences" were not so usual. This is one of the explanations why the Royal Title to Connaught was never mentioned.

It was much easier and far more popular to pass patents with the minimum of inquiry. Connaught was a vast horn of plenty, rich in large savannahs of grazing land, with a tiny population, and that chiefly on the bad and rocky land that "men of power" did not ambition. One understands how the Venetian Ambassador put the population of Ireland at 500,000 when in all Clare there were only 2,087 males.⁴ The wars had swept out a large number of the rival claimants. O'Donnell no longer harrassed Sligo. The O'Reillies and the O'Rorkes claimed no land across the Shannon. A vast depopulated and naturally wealthy Province lay at the disposal of whosoever could get a patent through. Bingham put the wastes in Connaught at over 900 quarters.⁵ In 1606 the Council referred to its lack of population as one of the causes of a defective revenue.⁶ In 1611 the poor yield of the Composition rent is ascribed to "wastes", and "wastes", are defined as "lands yielding neither corn nor horn".⁷ In 1637 the Roman Catholic Bishop of Tuam wrote, "*Ruri sparsim per totam diocesim mixtim*

1) C. M. VIII—5. 2) L. S. I—99. 3) L. S. I—223. 4) T. C. D. I. 5. 26.

5) C. S. P. 1592—32. 6) C. S. P. 1606—478. 7) C. S. P. 1611—192.

vivunt Catholici et haeretici".¹ In other words there was no land hunger in Connaught. The Inquisitions show that where there was anything like a series of small holders, it was on the rocks and among the hills, where feudal and tribal broils had let the owners live in peace. The great belligerents had fought rather for seignoral rights and scope of territory than acreage for commercial purposes. The feudal Lords that remained, Clanricarde, Mayo, Roscommon, O'Connor-Sligo and Dillon, and some dozen chieftains found themselves with their hegemonies intact, and ambitioned not "waste and uninhabited quarters" beyond their own realms. O'Connor Sligo, for instance, who held in demesne something like 20,000 acres of arable land in the barony of Carbery, never raised the slightest objection to Sir Wm. Taaffe and the Earl of Cork passing numerous parcels in the name of the former in the Southern parts of the country.² The fact was the speculator was rising in the land. Anyone with commercial traditions could detect a rapid rise in the value of land. Anyone with commercial connections in Galway could see what a gold mine lay in procuring these spare tracts and covering them with sheep. The names of the men who emerge in public affairs in Connaught at this period are the bourgeois families of the City of Galway. The ancient territorial proprietors—save Clanricarde's special coterie—seem to play hardly any part in agrarian politics. The Lords and Chiefs and minor gentry of the septs simply remain on their ancestral estates. They appear neither in Parliament, nor in petitions, nor in the Cromwellian wars, and, when the storm subsided after the Restoration, emerge placidly, indifferent upon all these "matters of State and conscience."

All through the reign of James these Connaught patents keep trickling on to the Patent Rolls. They are remarkable for their nominal rents and soccage tenures. By a singularly accurate but anonymous writer the statement is made that the Galway shopkeepers and men of finance used to buy out petty holders and then pass a "scope" by devious methods, a visit to London, a signet letter, a visit to Dublin, and so home. Some went further. They toured the Country alarming honest men at

1) A. H. V—93.

2) Redistribution and Survey. Sligo.

what would happen if the Royal Title were found. Then they persuaded the simple yokels to feoff their parcels to them, their good friends. Then a patent would be passed to the alarmist, who would conveniently forget to re-transfer the "parcels". The names he gives are three great patrons of Carolan sedition, Theobald Dillon, subsequently made Lord Costelloe, Wm. Taaffe, one of the leaders of the Catholic Confederation, and Arthur Jones, a kinsman of Lord Ranelagh. Theobald Dillon was a descendant of a former President of Connaught, and was himself collector of Crown rents in Galway. He was a few years later made a peer of the realm. He was the father of the Lord Dillon of Costelloe, who achieved some fame and notoriety first during the Plantation of Connaught, then during the prosecution of Strafford, and finally as the intriguer between "the Queen's Party" and the fomenters of the Ulster rebellion.¹

The patent of old Lord Dillon of Costelloe is a study in what a patent should not be, especially a patent of a Royal farm. The patent mentions no surrender of existing lands, which was a method of evading research into previous tenures. It covers an area of over 10,000 acres in Roscommon and Mayo. It reduces feudal dues to "common soccage, and a knights fee". The only rent is the old composition rent, which was a discharge of cess and not a payment for ownership.² Such were the terms on which whole estates were vanishing, estates that should have been passed for rent, dues, and conditions of development.

Is it any wonder the Crown could not get Undertakers from Galway to take up the onerous duties of an Ulster Planter? "There is such a store of waste land in Connaught", wrote Chichester, "to be had for little money, as they look not into Ulster as they would".³ The wily Earl of Cork too had a finger in this pie. Taaffe's lands were passed to him as his own. A large portion, however, was feoffed to the Earl of Cork. We thus have the situation of large scopes being passed to a local merchant on the vague idea that it was his local estate, and a high official in Dublin sharing in the transaction.⁴ Nothing is more curious than to notice the number of mortgages Taaffe had on small estates in the baronies of

1) T. C. D. F. 3. 1. 6. 2) Erk. II—451. 3) C. S. P. 1609—193. 4) C. S. P. 1610—397.

Tirravill and Corran. If matters had continued these too would have been surrendered, and passed in soccage to Taaffe and Cork, free of rent and dues, and endowed with reliefs, heriots, mineral, wood and fishing rights. The Earl of Cork always operated in conjunction with all sorts and conditions of men, who found his assistance as profitable as he found theirs. In the meantime the debt in the Exchequer was approaching £ 80,000.

These patents keep recurring at stated intervals, and the only sign of alarm was an anonymous information despatched to London. It stated that there was actually a danger of the Composition being expunged in these patents like the feudal dues. The Deputy wrote back that he had given instructions that was not to be.¹ Perhaps he had, but one might as well stem the flowing tide. In 1612 the Treasurer reported a large number of exemptions from Composition by patent, amongst whom was the indefatigable Taaffe, who subsequently went into rebellion on the grounds that "the natives of this Kingdom are shut out from all preferment in the State, ruined by heavy taxes, and see no relief from the destruction of their religion but by a recourse to arms".² Thus did another leakage in the revenue grow wider and wider.

In the meanwhile whispers began to circulate that all over Ireland "there were lands and hereditaments, holden of the Crown in Chief" and that there were men on these lands who held them without paying any feudal dues. Three men, Sexton, Dixon, and Waldron, obviously from Dublin, procured a letter entitling them to escheats where they found such evasions of the Revenue. Some chance led them to Connaught and they escheated the estate of Sir Morough O'Flaherty of Galway.³ Instantly there was an appeal to London, and James dispatched a letter authorizing all who held by tanistry and gavelkind to surrender and receive a regrant of their estates, reserving all rent, composition, and dues.⁴ The only explanation of this letter is that, as yet, the authorities in London had not realised the collapse of the policy of surrender and regrant. Pliable, weak, and sometimes corrupt officials; apportionment of an estate from an office in Dublin; dual control of the ukases of the Council, and sudden signet letters from London, lack of uniformity, courage, and system had all produced

1) C. S. P. 1606—289, 291. 2) C. M. S.—192. 3) Erk. I—485. 4) C. S. P. 1609—154.

the most extraordinary chaos in enrolling estates, dividing them between chief and clansmen, and fixing rent and dues. There is no clearer evidence of the chaos everywhere than the despatch of this letter to deal with a Province, of which the King was owner and landlord, and was in a position to send down a Commission with full compulsory powers. O'Flaherty was one of the first to appear before the Commission. He received a demesne in fee of 3.500 acres and a rent of a penny an acre out of 6.000 acres. Out of one plot of 500 acres his rent was 3d an acre. The gist of this was that a third of his seignory was counted as demesne, and his composition rent made perpetual over the rest of the seignory. The remainder still remained in nubibus. What however is remarkable is the "general words" at the end of the patent. Not only were fishing and mineral rights passed away—rights that should have been reserved—but a whole host of old dues maintained, and left in an indefinable state to warrant future litigation. The rent was 30s. the composition rent not mentioned, and the feudal dues negligible, while O'Flaherty's annuities, knights fees, wards, marriages, escheats, reliefs and heriots" over his tenants were all carefully inserted. If ever there was a patent in flat defiance of State policy and Royal instructions it was this.¹ Nor was this the only case. An angry letter in the State Papers runs as follows:— "McNamara has brought letters about the old chiefries the Composition abolished. Lord Clanricarde on a letter for surrenders has found divers due to him. They are now raised by my Lord's greatness. They are passing them as a rent charge to tie all Connaught."² Amidst an official panic all further proceedings were stayed. The Royal letter was withdrawn.

It was indeed a case of shutting the stable door after the horse was stolen. In Clanricarde's patent had been inserted a host of parsonages and vicarages worth at least £ 400 a year.³ His rental was £ 6.500. The total rent the King—the seignory overlord—drew from all Connaught was but £ 4.000. Lastly out of all Clanricarde's hegemony only four townlands were held by Knights Tenure in Capite. What made this so extraordinary was that, in the letters patent passed to Clanricarde by Henry VIII. for his demesne, an in capite tenure was specially stipulated for the whole

1) Erk. II—731. 2) C. S. P. 1610—397. 3) L. S. I—299.

demesne. Over 60.000 acres were passed in demesne, and 108.000 in rents and services. Truly "my Lord's Greatness" had somewhat exceeded the purport of "Our Royal favour".¹

This letter was issued with open eyes. It was obviously written to enable certain chiefs to secure their estates. The second letter was a far more serious affair, one for which Strafford held Wilmot should have been prosecuted. A second letter had been issued authorizing Arthur Basset and Francis Blundell, one Chichester's nephew and the other an official on the Connaught Council, to search for concealed feudal tenures, and where they were found to take two-thirds of the debt as a reward.² This caused some excitement in Connaught, and a deputation waited on James. Wilmot, the President of Connaught, laid certain considerations before James and, on the strength of those considerations another Royal letter arrived. From its wording and preamble, and recitation of considerations and conditions we can detect what occurred.³

The petitioners informed the King that many years before Perrott and Bingham had made a Composition with their ancestors, whereby they were to pay a penny an acre, and be granted their estates. Anyone with the most superficial knowledge of Elizabethan history will detect the absurdity of this assertion. There was hardly a County in Ireland that did not pay Composition rent, and there was not a man in Ireland, up to this, who had alleged that a penny an acre wiped out hostings, feudal dues, and Royal rent. The inhabitants of Munster, for instance, paid both Composition and Quit Rents and feudal dues. The Composition was for cess and nothing more. Where there was a glimmer of truth in the assertion was a promise that the next reform would be a re-organization of tenures.

Inquisitions were held. Patents were promised to some. Patents were given to others. Here one thing was done and there another, but on the bond itself all that was written and all the Commissioners had power to do, was to surrender cess for a payment of a penny an acre. Perrott and Bingham had promised to "give every man his estate", and "every man was to hold of the King", but this did not mean that every man was simply to journey

1) L. S. II—367—368. 2) C. S. P. 1641—276. 3) C. S. P. 1615—84;
L. S. I—457, 458; C. S. P. 1641—275—278; C. S. P. 1625—1660—213—215.

to Dublin, claim vicarages and chiefries, and then return with a patent for the same. It might have been excellent policy to give every man his estate by grants in 1585. In 1615 it was as clear as noonday that a Plantation was the only method of dealing with tenures like this. Lastly Perrot could not have granted one of those patents without consulting the Queen. All he could do was promise to lay the Inquisitions in each scope before her. All his powers were confined to compounding for cess, and dilating on the general State policy of making every man hold of the Queen.

The preamble of James' letter goes even further in error. It refers to "the great yearly revenue" the Province paid the Exchequer. The only revenue paid was a penny an acre for cess. All the other Provinces paid this, in addition to their other charges. It is clear that the petitioners had represented their cess as rent, and once it was assumed to be rent, it was easy to go further and say that the acreage for which each man paid composition was his, and no one else's. As was said at a later date "In other parts of the Kingdom where like compositions were paid in lieu of cess, never any freeholders claimed any engagement on the Crown for any interest in their lands." Needless to say this precedent was not unobserved. In Longford the larger freeholders, who had just surrendered a quarter of their estates, taken out tenures in capite, agreed to a rent, and arranged to give long leases to their tenants, woke up and asked stridently why they should do these things, while men across the Shannon were granted large demesnes in fee, for no rent, no feudal dues, no leases to tenants, and no surrendered fourth. Being, however, persons of no political importance no heed was paid to their tirades, which were officially rebuked by a Council, on which Lord Wilmot was a leading light.¹

What was more, if all these considerations were granted, there was scarcely an estate in Connaught which could not be escheated by the Composition indentures, escheated and put up for auction. Was there a man in Connaught who, since 1585, had paid his cess money annually, exacted no bonnaght, discarded feudal and tribal war-cries and nomenclature, abolished gavelkind and let his land descend by the common law. Alas! Strafford's words ring too true: "The most part of them went into rebellion, manned and fortified their Castles, practised with a Foreign

1) C. S. P. 1615—109.

Power for invasion and continued in rebellion. The Composition, being for the benefit of the subject and loss to the Crown, ought to have been performed by the subject." There is something grotesque in men straining the language of the Composition, and pleading the Composition as the Ark of the Covenant, after they had themselves broken every clause in the indentures. The very fact that after the Composition, they did not sue for their patents, when every loyal subject could get one, shows that at the moment the overlords scorned Royal patents as involving rent, feudal dues, and homage. They seem to have only woken up to the merits of a patent when the State had been established by the minor gentry. The whole tale becomes ludicrous, when one is aware that this consideration of Queen Elizabeth's Composition with chieftains long since deceased, was being used to mask the very modern land speculators of the cities, who had their eyes fixed firmly on the prospect of sheep ranches, procured from the Crown lands, at a nominal rent, free of the taxes, which others paid without a murmur. Because Perrot promised in 1585 that "every man was to have his own and hold of the Queen", Dillon, Taafe, Jones and Cork, and others, who had come on the scene 30 years later, were to have all their very dubious agrarian tenures sanctioned.

Suffice it to say that this letter very quickly operated. A series of Inquisitions were held in different parts of Connaught. The number of these Inquisitions is small, which shows that only a limited number of owners were involved in this affair. In fact there was nothing like a stampede to avail of the surrender and re-grant. These Inquisitions are valuable for one reason. They reveal what the Books of Survey and Redistribution disclosed at a later period, enormous demesnes, a small number of petty gentry, and an enormous number of uneconomic holdings. The Chairman of the Commission however was Coote, a hard faced and experienced member of the Dublin Corporation. He detected that if these men were the legitimate heirs of those who held from the original Earl of Ulster their lands were held under Knights Tenures in Capite. He reported so.¹ The patents passed in Dublin—Coote spent the greater part of his time in Connaught—paid no regard to this finding. From this arose some trouble. The original Dillon patent

1) T. C. D. E. 3, 7.

from De Burgh was an in capite tenure.¹ The Jacobean patent to Dillon was one of ordinary Knights Tenure. This is what Strafford meant by his frequent references to "abuse of the King's tenures in Connaught".

A certain number of surrenders were made and a similar number of patents granted. To adjudicate their justice at this date is impossible. They seem to reiterate the prevailing tendency of very large demesnes to chiefs or the chief surrenderers, the creation of four or five freeholds of from 150 to 200 acres, and a large host of petty freeholds. In some cases it is clear that to the chief was left the task of allocation. In one case, that of O'Shaughnessy, the Chief received and retained the whole demesne in fee. Whether these were or were not just allocations we cannot judge, but our previous experience of the policy of surrender and re-grant is not calculated to predispose us in its favour. Certain considerations however are worthy of note.

The demesnes are enormous. Those of Theobald Burke, O'Shaughnessy, and the surrender of Clanricarde are Palatinates. After making all allowances for the rapid conversion of Clan areas into demesnes and the conquests of dominant chiefs, one is forced to only one conclusion and that is that wastes "to which no man laid claim", "no man's lands" between lord and lord, on which there were no proprietors, or perchance only nomad graziers paying a chiefry, were claimed by neighbouring men of power, and, there being no other claimant of eminence to dispute, were "passed on the book". We must remember that this was a very common feature of Connaught. Bingham refers frequently to "creaghts" moving from district to district and paying blackmail for the time being to the nearest lord. St. John says that lands grazed one month would be empty the next. The explanation of these enormous demesnes is that those who surrendered, handed in every possible acre to which no one else put in a claim, and then drew a patent for "the scope". Suffice it to say that, in scope of arable territory, the Palatinates of about a dozen men in Connaught were larger than all the arable land and mountain possessed by men such as Thomond, Ormond, Maguire, Westmeath, and Magennis. The nearest approach to these scopes is the estate of the Earl of Antrim. These considera-

1) Burke's Peerage. Dillon.

tions are amply borne out by the report of the Defective Titles' Commission under Strafford. After commenting on the unparalleled size of the demesnes passed in these patents they said "The Crown was much abused by pretending lands they sought for were their own, or concealed lands, or lands escheated by attainders, and by them discovered. So concealing his Majesty's rights they obtained those grants". "Frauds" was the word used by Strafford.¹

What however was the real defect in these patents was the tenures. In not one is there a cutting off of chiefries. In everyone there is "a right to create tenures", in other words to take feudal tenures from tenants on these scopes. Fairs, markets, manorial rights, fisheries and mineral rights are scattered through them. In all other patents these are granted sparingly and within careful limits. Other subjects petitioned for one manor or one fair, and were proud if they received the gift. Here they are "passed away", sometimes in detail, sometimes in general words. This was equivalent to creating once again all those powers the State had taken 100 years to destroy. It is the meaning of that complaint by "Richard Bell Preacher" of the "coshierings and very chargeable exactions" maintained in Connaught, of the complaint already quoted of the chiefries of O'Shaughnessy and Clanricarde, and the sarcastic rhyme hurled at Cromwell by a Connaught Royalist:

"As St. Patrick checked the cattle plague

For the children of Adam in Ireland

So you have checked for us the week-day" (work).

So runs "The thanksgiving of the jovial churl when he had Oliver Cromwell as his Protector".²

It was this affair of the tenures that checked any further issue of patents. The passing of these estates in "mean tenures" soon came to light. The Commissioners for the Court of Wards sent a stinging report across to London. They pointed out that the gist of this arrangement was that all previous feudal debts, fines for alienation, fines for wardships and intrusions, and fines payable on accession to an estate were regarded as null and void.³ The report synchronized with the departure of Coote to London, where he laid before the Government Wilmot's mismanagement

1) L. S. II—139. 2) See "Confiscations in Ireland". Butler. 3) C. S. P. 1617—171.

of the Castle of Athlone. There was a sudden check to the enrolment of surrenders. A petition was sent to London demanding reasons for the non enrolment. The Committee for Irish causes returned a vague answer. "The inconvenience is by the fault of the parties themselves in neglecting the enrolling of their own surrenders". This was to a certain extent true, as only a portion of Connaught had availed themselves of the letter. An account written 30 years later corroborates this.¹ The report went on in more ominous strains "If his Majesty vouchsafe new letters patent then the same should be perused by His Majesty's learned Counsell, and special care taken that His Majesty's tenures be preserved."²

The non-enrolment of the surrenders raised an instant barrier to further patents. It did not, as is usually supposed, nullify patents already passed. This idea is current in some documents of the period, but, if it did, Strafford would never have been obliged to disown those patents purely on the question of tenures. As a matter of fact he encouraged the enrolling of surrenders for other reasons. "A surrender" he said "could not hurt the Crown. A new grant back to the subject might."³ The disappointed patentees always blamed Coote. As a member of the Connaught Council he had it in his power to enrol or "stay", and he "stayed" pending instructions from London.⁴

From 1618 to 1628 nothing was done. James was dead. The initial stages of the reign of Charles were spent in coping with Parliament and warring with France. Falkland strongly urged Charles to make a Plantation, but no heed was paid to his advice.⁵ In 1628 the Graces were accorded, and Graces 24 and 25 showed what could occur when the King showered benefits on petitioners without consulting the Deputy. Grace 24 disclaimed all Royal titles 60 years old. Grace 25 ordered the surrenders to be enrolled and patents to be granted at half fees to those who had already paid their fees of enrolment. The Grace went even further than this. Coote's Inquisitions had found some parcels held by Knights Tenure in Capite. The Court of Wards had discovered more. The Grace stipulated that both these findings were to be ignored, that no tenures in capite were to be inserted in the patents, save

1) T. C. D. F. 3. 15. 2) C. S. P. 1624—508. 3) L. S. I.—346. 4) C. S. P. 1625—1660—214. 5) C. S. P. 1625—1660—129.

where they were found in patents passed since the reign of Henry VIII. This wiped out all the old pre-Tudor feudal tenures, and substituted a concession of "ordinary Knights tenure of the Castle of Athlone". Strafford subsequently asserted that what the petitioners called "the fees formerly paid for enrolment" were compositions paid to Blundel and Bassett for old debts of feudal dues, "given for fines then past and due to your Majesty, without ground or intention to conclude the rights of the Crown".¹ The Royal letter had lapsed or been stayed. The enrolments had been refused. On the strength however of a Royal promise still dormant Charles signed the Grace, e. g. "In the Province of Connaught", wrote one to him, "Your Majesty hath lost more than all you have gotten by the subsidies if they were fourfold."²

It is clear that, even before Strafford arrived, this series of blunders and confusions had been detected. There are several references in the State Papers to a mooted Plantation of the whole area, from which we can detect that certain men in high places were at last aware that the policy of surrender and regrant had broken down, that there were scopes in Connaught which in law and equity belonged to the King, and could be used by him to supplement the revenue and to develop the territory.³ One suggestion was to give a largess of patents for those with tenures 60 years old, doubling the composition rent, and in case of new titles to impose a fine and an in capite tenure. The authorities however were not to be caught napping a second time. Coke blandly replied that this would be "but a partial and not a general reformation", and that the Commissioners were liable to be influenced.⁴

The motive, apart from anything else, that impelled Strafford to deal with this Province by a Plantation was "to improve His Majesty's Revenue and establish the power of his Sovereignty". Five thousand a year he anticipated from the immediate rents, but Ormonde and Connaught together he anticipated "will raise £ 20.000 a year rent more, by bringing in people, trades and commerce increase the Customs £ 4.000 a year, and both settle this Kingdom in such a condition, as that the Crown shall be here

1) L. S. I.—321. 2) C. S. P. 1625—1660—137. 3) C. S. P. 1631—612, 631. 4) C. S. P. 1631—639 640, 665, 666.

as securely and universally served and obeyed, as it is in England".¹ "We intend not", he added, "to exercise His Majesty's justice further"—even in cases where lands had been "passed" improperly—"than in taking from them a fourth part. Those three parts remaining will be more profitable than the former four, as well as in regard the benefit they shall of the Plantation, as well as in the security and settlement of their estates".² The final idea was the changing of the tenures of "the lower sort of Irish from their oppressing Lords to their gracious King, the true foundation of wealth and peace, and the only hope of introducing civility and religion".³

The news of a Plantation was soon public property in London.⁴ The very word Plantation aroused the hopes of that particular class, which had blighted that of Ulster, the land speculator. This type of adventurer used to put in a tender for parcels of the sequestered fourth that accrued to the King, and then would let the lands on long lease to graziers, trusting to political influence, or official laxity to allow his Covenants to go by default. Strafford suddenly discovered that Portland, the Lord Treasurer, was treating with "adventurers" in London, before the Irish Government had even found a title to Connaught or Ormonde. Clarendon says that Portland's financial venturers brought the King into more ill repute in London, than any other branch of the administration. On one occasion he forbade goods to be landed at any quay except one owned by himself and Abraham Dawes, the identical Dawes, who tried to increase the Irish Customs duties, and was routed with rude words by Strafford.⁵ Other incidents in Portland's career, especially the soap monopoly, show that he extracted a commission on Crown contracts. Laud and Strafford were always on tenderhooks when Portland's name was mentioned. If once the rumour of this reached Connaught, farewell to all hopes of getting a Royal title to that Province. "A great prejudice", Strafford complained to the King, "such pretences will bring upon the business."⁶ An angry correspondence ensued between Strafford and Portland. "For encouragements to any from hence, to make suits on the Plantations", fiercely wrote the Deputy "I profess once for all, not any alive

1) L. S. I—132, 145; II—90. 2) L. S. II—139. 3) L. S. III—103.

4) L. S. 1—265. 5) Clarendon Memoirs 1—23, 25. 6) L. S. 1—258.

shall have any bargain of those lands to the hindrance and loss of his Majesty.”¹ Portland sulkily began to throw obstacles in Strafford’s path, failing to forward documents, and not replying to letters. It was this faculty that made Laud give him the nickname of “the Lady Mora”. Portland in the end gave way, but only after considerable pressure and after a complaint had been made to the King.² “His letters to me are dry ever since” remarked Strafford.³ “Aye”, wrote Laud, “Such ladies can spin long threads. When they can do little themselves they are most unwilling any thing should be done by others”.⁴

Of the preliminaries to Strafford’s Connaught tour we know nothing. It is impossible, however, to assume that he neglected the habitual canvassings and negotiations. It was usual, on the eve of a Plantation, to despatch agents to the Province to outline the Crown policy, to see what chiefs were in favour, what were suspicious, and generally to find out what local grievances might prejudice the sympathies of men towards entrusting an executive with full powers.⁵ Suffice it to say that Strafford knew that all Connaught “would submit”, all except Galway. Clanricarde, with his personal, feudal, and family influence, was an insuperable obstacle, especially when supported by a large number of the Priests, headed by their local Bishop. The local Sheriff too, who empannelled the jury, was his kinsmen and servant.⁶ It was an open secret that a large number of Galway freeholders would submit. Suddenly a messenger arrived from Lord Clanricarde, and another from Lord Clanmorris. Many of these freeholders, immediately notified Strafford’s agents that they were no longer of their previous opinion. Donnellan, Clanricarde’s agent instantly despatched a messenger to Dublin to remove his master’s patent from the Record Office, saying “We are undone if we don’t get it back”. Clanmorris subsequently remarked “I would have given much that the Deputy had begun with us, that the other counties might have an example to do the like”.⁷

Strafford, however, wisely began with the favourable Counties. The first trial was held at Boyle, in Roscommon. It was the first of these proceedings, in which every freeholder had the right to appear and state a case. In all previous Plantation proceedings,

1) L. S. 1—135, 145, 296. 2) L. S. 1—333, 339, 342. 3) L. S. 1—380.
4) L. L. VII—162. 5) Egmont M. S. S. 1—65. 6) L. S. 1—444. 7) L. S. 1—451.

Crown Counsell alone were heard. All that was required to prove, was the original patent of Henry III. to Richard De Burgo, the fact that De Burgo was in possession of the Province, the lineal descent of the King from the De Burghs through Edmund Mortimer, Earl of March, and the Acts of Resumption in the reign of Henry VIII. This entitled the King to all lands not passed away by the De Burghs, or by Royal patents after the act of Resumption, or Abbey and Church lands, duly leased. After these facts were laid before the jury and counsell had been heard, Strafford explained to them his presence. "It was his Majesty's gracious resolution to question no man's patent that had been granted formerly upon good considerations, and was of itself valid in the law." The two reservations are worthy of note. "His great seal was his public faith, and should be kept sacred in all things." The King came not to sue. His legal right could be asserted any day in the Exchequer Court, by a simple suit of "Intrusion". "But his Majesty being desirous in these public services to take his people along with him, was pleased they should have a part with him in the honour, as in the profit of a work, so glorious and excellent for the Common weal." For the King it was best that they should refuse the title. Then he would be free to do what he wished with his own, "but yet, as one that wished prosperity to their nation, I desired them not to slip any means to weave themselves into the Royal thoughts by a cheerful admission of his right. There I left them to chant—as they call it—over the evidence. The next day they found the title without scruple or hesitation." Three bargains were then struck. All patents good in law were to stand, and to be liable to no escheatment of a fourth. This, however, was a dubious matter. Very few of the Jacobean patents were good owing to misuse of the tenure clauses. Secondly all Abbey patents were to stand, whether good in law or not. This reservation was made, because it was clear that Henry VIII. knew the Abbey lands were his, and had "passed" them with open eyes. No advantage was to be taken in those patents of "letters wrung on false considerations" or "abuse of tenures". Thirdly all possessions of Bishops, Deans, and Parsons were to be also exempt. These bargains were enrolled in an Act of State, published and despatched to the other three countries. "It will" wrote Strafford "settle and quieten men's minds throughout the whole Province.

I must not forget Sir Lucas Dillon, the foreman of the jury, who expressed all along so good affections. I beseech his Majesty he may be remembered, when the dividing of his lands comes in question. You will have a good store of pretenders on that side. I crave leave to ask his Majesty not to engage to any.”¹ Sligo and Mayo did the same. If Galway also came in, the Crown would have for its disposal for planters 120.000 acres. Such was Strafford’s estimate, and his estimates were singularly accurate.²

This figure is of some importance as many historians, who have overlooked this estimate, have assumed that the King, by the exercise of his seignoral rights, was about to resume some enormous area in Connaught. The area the king was about to hold, as it were in demesne, was a sixth of that reserved in the six Ulster Counties, and two thirds of that of the Munster Plantation that followed on the attainder of Desmond. It was only twice the area Clanricarde claimed in fee simple. For a seignoral Lord, the Royal claims truly were modest, at any rate compared with those of which the country had hitherto had experience, and what was more, the rent of this seignory was destined to go into the Irish Exchequer, either to alleviate taxation, or to support public services. The whole history of the Irish Plantations has been so misunderstood by subsequent generations, that these considerations have first to be grasped, before we understand why, in Mayo, Roscommon, Sligo, Clare, Limerick and Tipperary, juries of men, by no means easily controlled, “found the Royal titles cheerfully and without stint”.

Strafford then wended his way to Portumna to face Clanricarde’s jury. When the Governor General of Galway, related to every reigning family in the county, owner in fee of a third of the county, and feudal lord of two-thirds, was supported by the Roman Catholic Priests, then at the height of their power, and also controlled the sheriff, the result of the jury’s finding was a foregone conclusion. Their finding was obvious drafted by a cunning hand, but was certainly not in accordance with facts. Their line of reasoning was this. The King and people of Connaught had submitted to Henry II. His rights accordingly were only those of an overlord, and not a possessor. These rights he passed to Roderick, and the

1) L. S. 1—442, 444.

2) L. S. 1—421.

subsequent forfeiture passed them, and them only to De Burgh. The jury omitted, however, the real foundation of the De Burgh Title. John was conquerer and possessor in fact of Connaught. His successor Henry III. passed a good title to De Burgh, so good and effective, that it operated for 200 years. Secondly. They next alleged that no proof had been given that Lionel, Duke of Clarence, who married the last of De Burghs, was in possession of Connaught. This was not required. Thirdly, they pleaded that the Act of Resumption in the reign of Henry VII. only applied to tenures and not to lands. The Act distinctly states "Castles, tenements, meadows, and all other things pertaining to the Lordship", adding tenures as something distinct. Finally when the jury were asked, to whom then did Galway belong, they were silent, as all existing patents were based on the assumption of a Royal Title.¹

Even despite the great influences employed, there were signs that it was a forced verdict. The first jurors hesitated, and contradicted themselves as they were questioned. Then Donnellan gave his verdict. The very fact that he was on the jury was significant. The jurors who spoke after him "did positively and uniformly agree with him". Two jurors stood out, and returned a verdict for the King. When one was speaking, Richard Bourk, the Earls nephew, nudged him with a scowl, and tried to divert him "in open Court, in our view to the outfacing of all justice". Bourk was arrested and fined £ 500 for contempt of Court. These were the only two jurors who were not relatives of Clanricarde's.

Strafford saw that the matter had now become a question of who was to rule Connaught, the Deputy or Clanricarde. He himself ascribed half the trouble to the fact that Clanricarde had Presidential power in the county, making him "little less than a Count Palatine". He used every weapon in the Royal Prerogative to deal with this rebuff. The Sheriff was fined £ 1.000 for packing the jury. The Jury were bound over to appear before the Castle Chamber. A Proclamation was issued, informing the residents of Galway, that, as they had refused to recognize a plain Royal title, none of the Graces accorded to the other Counties would be given to them, and half their estates and not a quarter would be sequestrated, 'by this means taking from them all pretence the

1) T. C. D. F. 3. 15; C. S. P. 1625—1660—213; C. P. B. I—130, 151, 152.

fault was only the jurors", and also "breaking the combination". The lawyers who had advised Clanricarde, and were "overbusy even to faction" were deprived of their practice. By law no recusant lawyer could practice. The King had suspended this law by Act of Grace. Strafford withdrew the Act in their case "it being unfit that they should take benefit by His Majesty's Grace that take boldness, after such a manner, to oppose his service". One of them, Mr. Martin, who was a land owner in Thomond, subsequently assisted the Clare jury to find a Royal title, and his disqualification was removed. The leading Council, Mr. Patrick Darcy, a near relative of the Sheriff, Strafford regarded as the brains-carrier of the whole affair. All Laud's appeals could not get him back to the bar. "I will not restore him till the Plantations are accomplished" said the Deputy. "He was the principal Boutefeu in that business", Martin being only a legal advocate fulfilling his legal duties, and showing "good disposition" when it was an affair of his own property.¹ Clanricarde's troop of horse was despatched to another part of Ireland. General Willoughby was hurried down to garrison and fortify Galway. The King was strongly advised to withdraw Clanricarde's patent of President of Galway. Above all Strafford recommended him to allow no submissions or appeals *ad misericordiam* to effect him. Those who had found the Royal title in the other Counties should be made to feel that they were treated better than those who did not. Those of Galway should be made to feel they were outside the Royal favour. By an Exchequer proceeding all Galway could be declared a Royal farm. With half in the King's possession they could "line it and plant it with English and Protestants", and be thus secured from any fear of "the cry of religion being stirred, in the case of a foreign invasion, no part being more open to let in a foreign enemy".²

The result was instantaneous. From this time on, all the efforts of Clanricarde, his clerical agents, and the other Land-owners were directed towards winning for Galway the same privileges as the other Counties, professing loudly at the same time that there was nothing they desired more than a Royal title, and "Royal justice and mercy".³

1) L. S. II—98; L. L. VII—407, 445. 469. 492.

2) L. S. I—450, 454.

3) L. L. VII—284.

The re-organization of the Connaught tenures then began. It was destined to be a long and wearisome business. Every acre had to be surveyed and mapped, every patent examined, all the chiefries estimated and valued. The Inquisitions into many of the estates still lie in the Record Office, but the maps, documents and correspondence have perished by fire. The surveying was supervised by a clergyman with a genius for this kind of work, whom Ormonde had unearthed in some country parsonage.

The work was much complicated by certain vested interests that Strafford had decided to preserve. Mortgages for instance had to be carefully protected. All improvements in land and buildings had to be noted. To escheat in the sequestered fourth a field, whose owner had made it what it was, was no part of State policy. All purchases since the accession of Charles I. were also exempt from sequestration. To take a fourth of an estate, for which money had just been paid, was also not to be considered.¹ Abbey and Church lands had to be carefully separated from the rest, the former because they were exempt from Plantation, the latter because, if held by the Church they were exempt, if held by patent they were liable, and if held by a Bishop's lease, they came under a special code of compensation.² The head-rent to be charged for all estates was to be 2¹/₂d an acre, a rent, it might be noted, far less than the average payment to an overlord.³ Lastly, all holdings under 130 acres were escheated, the owners receiving either leases in or near towns, or leases under their chiefs.

This latter clause raised a difficulty in Galway. Strafford had intended to escheat a half of every Galway freehold. It soon—very soon—became apparent that the bulk of the freeholders were not prepared to stand out.⁴ Strafford's stern measures had produced a host of repudiations. These did not deceive him. None knew better than he that, if he had not acted as he did, it was he and not Clanricarde, who would have been repudiated by the vacillating multitude. "You come too late Sir! You come too late!" Such was his ironical comment on their loud professions that it was all a mistake, due to ignorance of Law.⁵ Falkland had one time said "The nature of this people is to fear where they can make afraid, and to be afraid where they cannot make to fear".⁶

1) Egmont. M. S. S. 1—105. 2) L. S. II—139; 1—171. 3) C. T. 1—263.

4) L. S. II—35; C. S. P. 1637—149. 5) C. P. B. I—139. 6) C. P. B. XXX—122.

This was why Strafford was determined to encourage no more juries to prefer the favour of Palatinate Lords to that of the King. It was another difficulty, however, that made him alter this plan. If a man held 250 acres, and half was escheated, he was left with only 125, and therefore was the possessor of an uneconomic holding. This would have meant, what with defective patents, sequestered halves, and sequestered holdings of less than 130 acres, that four-fifths of Galway would have fallen into the Royal demesne, and a very large number of freeholders would have become leaseholders.¹ This was certainly far beyond the original plan. It was too severe on men with economic estates. It verged on confiscation. He was nevertheless determined to bring into Galway a class of subject who would counterbalance Clanricarde and the priests, and he was yet more determined that the freeholders of Sligo, Roscommon, and Mayo, should be able to say that they received more Royal favour than Galway. Accordingly when all the Galway freeholders acknowledged the King's title, and the jurors had cried "peccavi", he relaxed the code.² The policy resolved on was "a difference between the jurymen and the rest of Galway, and a difference, too, between the rest of Galway and them of the other three counties".³ What the new arrangement was, does not transpire. It was certainly not, however, a mere sequestration of a fourth. Strafford was firmly convinced that the power of Clanricarde and his relatives should be broken in Galway. A rebellion or an invasion would mean his instant revolt. Holland and Pierce Crosby told the king that Strafford's "severity would distract the people and dispose them to call the Irish regiments forth of Flanders", thus, as he put it, "promoting their own interests and passions. All I can answer is, if the taking of a half move them to enter into a rebellion, the taking of a third or fourth should hardly secure the Crown of their alliance". His final jibe was caustic. If Crosby was so anxious to avert this, let him "persuade those regiments into the pay of the French, and so shut the door". The meaning of this jeer was that Crosby had been assuring all and sundry at Court, that the Irish mercenaries abroad were his faithful henchmen, they probably having never heard of his

1) Egmont. M. S. S. 1—105, 106.

2) L. L. VII—283; L. S. II—350.

3) L. L. VII—284.

existence.¹ Thus Strafford was determined to make some arrangement to "weaken those whom it is granted are so unsound and rotten at heart", but the sequestration of a half was not to be universal over the whole county. Rossingham's Court Budget declared that "Galway is to have some favour, though not in the measure with those of the other three counties".²

The patents had then to be considered. In former Plantations there was no meticulous inquiry into the validity of Patents, and the Patentees were exempt from surrendering a fourth. In those cases, however, they did not "involve any great or considerable proportions of lands". In Connaught it was different. The Plantation Commissioners reported that "so diligent have these people been to anticipate the rights of the Crown", that, if they did not lay hold on "the defects and infirmities of some", the Revenue would be scarcely improved, chiefries would stand, feudal dues remain everywhere in soccage, and that host of leases, contracts, fishing and mineral rights, coupled with the introduction of Planters, would go by the board. These patents had not only, in many cases, been passed on the assumption that the land was that of the Patentees by Gavelkind, but had been notoriously abused in the scopes they covered, and the privileges they granted. The Commissioners determined therefore, that, where a patent was legally void, they would take advantage of the illegality, and take a fourth from the Patentee. To submit every patent to a trial by law was "burdensome to the subject" and expensive. It was tried for a few days and raised a considerable outcry.³ Strafford accordingly issued a Proclamation that every patentee should despatch his patent to the Council Board, and, if he wished, send a lawyer to represent his interests.⁴ There the judges attended and gave their decision. The Council Board, which was a Court of Record, then gave it legal effect.

This was made a serious charge against Strafford. The Irish Parliament accused him of "extra judicial avoiding of letters patent, by private opinions, contrary to law, and without precedent".⁵ The 7th Article of his indictment accused him of "putting many subjects out of their freeholds without legal proceedings, and procuring the judges to deliver their opinions, whereby many

1) L. S. II—33, 34. 2) C. T. I—263. 3) T. C. D. F. 3. 15. 4) B. L.—37.
5) R. P. VIII—12.

hundreds of subjects were undone, and their families utterly ruined".¹ The propounders of these resolutions forgot that this process, whose intentions were obvious, was but an arbitration, and that whosoever was aggrieved could, by paying fees and hiring lawyers, have the case tried again by the same judges in another room, and have them repeat their former decision in ermine, surrounded by legal paraphernalia. Needless to say, at Strafford's trial, this article was discretely "waived".²

The leading case decided at this Court was that of the Patent of Lord Dillon of Costelloe. The Royal letter, on which the surrenders of Connaught had been based, instructed the Commissioners of Defective titles to reserve Tenures in Capite where they existed. The Commissioners, however, acted on the warrant of 1604 which had called them into existence. For obvious reasons it was drafted so broadly that every power was left to them, save that which the King had no power to grant, of infringing the Common Law. In Dillon's patent the Commissioners reserved common Knights tenures, a much easier tenure than that of in capite. Had they this power? Were Dillon's lawyers justified in accepting such a patent? The judges unanimously decided that, "where there is no direction for the tenure, the law implies a tenure in capite". The standing rule was that in silentio, the utmost advantage accrues to the King and the State. What the lawyers on both sides should have done was either "grant the lands and reserve a tenure in capite", or "leave the reservation to the law". They should have stipulated an in capite tenure, or left the matter open for an inquisition and a trial in the Court of Wards. What they had done was to preclude for ever the King from ever getting an in capite tenure, even if warranted by the previous history of the estate. Was then the patent void, only as regards the tenure, or was it totally void? On this there was a difference of opinion. Two judges, Mayart and Cressy, held that only the tenures were void. The majority, and the majority included Lord Santry, Bolton, Lowther, and Rives, reported that a patent was void, if "the Commissioners had executed their authority in another manner" from their instructions, their instructions being based on the principal of an in capite tenure, or silence as regards the tenures. "Their

1) R. P. VIII—64.

2) R. P. VIII—24, 220; C. S. P. 1641—253.

authority is a nude authority, and therefore it ought to be pursued strictly in manner and matter." As for the grievance to the subject and the denial of a Royal patent, the principal was this. Was the King to lose his just tenures, or the subject to lose his patent? "If they neglect to have their patents drawn, pursuant to the Commission they cannot transfer the blame to the King? The subject obtains letters patent in fraud and deceit of the Crown, to defeat the King of his tenures in capite, a principal flower of the Crown. If these letters be void, whose is the fault? Patents obtained in fraud and deceit of the King, are altogether void."¹

The closing sentences may seem strong, but anyone who studies these patents, especially those of Dillon and Clanricarde, patents of estates, large parts of which had always been under in capite tenures, can only come to the conclusion, that, Jacobean patents, regranting these in ordinary Knights' Tenure, were "fraud and deceit of the king", that the Commissioners were either deceived, incompetent, or corrupt, and, that to give the benefit to those who had benefited out of the transaction, and cast the loss on the King, the State, the Revenue, and the people was contrary, not only to law, but to equity. Nearly all the patents of 1615 were "dashed" by this case. Those which had been passed without this obvious attempt "to preclude the King of his tenures where due" were recognized, and the owners did not surrender a fourth. Radcliffe says "some were passed". A Cromwellian writer, detailing the whole incident, puts it at "many".²

The Plantation of the 120,000 acres, accruing from these sequestered fourths and escheated small holdings, was the most serious part of the business. If these were leased to bona fide agriculturalists, men who would spend money on building and tillage, it would have transformed many parts of Connaught. Modern Colonial Governments have strained every nerve to import similar men into the lands at their disposal. In this case the failure of the experiment is all the more regrettable as, for the first time in the history of the Plantations, there was a Government strong and sincere enough to chose able planters, and to see that they fulfilled their Covenants.

1) The Case of Tenures. Lord Santry. Dublin. 1639. 2) C. S. P. 1641—253; T. C. D. F. 3. 15.

Strafford's intention was to raise £ 20,000 a year out of Connaught, Ormonde, Thomond, and a part of Wicklow, by fines or rents.¹ It is more than probable that he would have raised more, because the small area in Wicklow, that accrued to the Crown, brought in £ 2,000 a year.² This meant that Plantation allotments were not to be distributed broad cast for nothing. Hamilton applied for one, and Strafford frankly told him that the profit would be nothing like what it used to be. The Covenants alone, the building and breaking of the ground, would be equivalent to 10 years' purchase of the estate. As land was 14 years' purchase at this period, it still stood as a good bargain, but "it will not be so profitable as in other cases of this nature it hath been".³ One Covenant cast on the Planters was to be the arming of 6,000 men. The arms were to be stored in the Castle, and the men attached to the local garrison as a special reserve. "Where then will be", he wrote, "the enemy that can or shall dare to interrupt the peace and prosperity of the King's subjects or affairs in Ireland."⁴ Every planter was to be tied to residence, and "industriously attend his undertaking".⁵ No allotment was to be larger than 1,000 acres, "for I find where more are granted the Covenants are never performed". The rent was to be half the maximum possible value.⁶ By the introduction of men, rich enough to develop plots here and there, desirous to employ, to raise the standard of comfort, and to introduce new methods and new breeds of cattle, he "hoped the Plantations would take their full effects, and that the natures of the people be wrought to delight themselves under the sweet and moderate Government of the Crown, and so by degrees to study the good husbanding their grounds, the beautifying their seats, and the procuring to themselves those accomodations and comforts of life, which might be so many living pledges of their obedience and future fidelity, whereas yet they have nothing to lose, that with reason they can set their hearts on".⁷ This, coupled with a complete re-organization of the old manorial, feudal, and tribal tenures, was what Wandesford meant by describing the Plantation of Connaught as "an advantage to the Crown without the curses of the subject".⁸

1) L. S. II—8. 2) Egmont. M. S. S. I—222. 3) L. S. II—4. 4) L. S. II—200.
 5) L. S. I—258. 6) L. S. I—341. 7) L. S. II—89. 8) H. V. C. VIII—411.

The apportionment however, of these applotments made him as many enemies as anything else he ever did. All through his correspondence one finds his anxious prayers to the King not to bind himself to any man. It was his intention to leave to the King, the choice of a certain number of Planters, men he specially desired to reward, but he was determined that no one else should have a say in this matter, drawing commissions from those for whom they got plots. In the State Papers of both England and Ireland, in the correspondence of Strafford, Radcliffe, Coke, and Percival, one encounters application after application, every possible form of influence, feminine, political, financial and personal, being brought to bear to secure an estate, the applicants being firmly convinced that a Plantation undertaking was but a matter of an application, a grant, and then a fortune for life. All these had to be refused, and it is idle to assume other than that, in the manoeuvres that led to his downfall, a chief part was played by disappointed applicants for land.¹ Here is but one example of how a disappointed applicant went over to the opposition. The letter is dated from Youghal. "Be quick for many gape after these Connaught Lands. My Lord Clanricarde or his son, or Lord Wilmot can best instruct you. I have little hope of the sour Deputy".² A Government with land at its disposal, and only one man standing between an applicant and his grant, is anathema to the applicant till that man is removed. "I have here, at the Committee of Revenue, good assistance, but it goes no further than the private. As for the public envy and malice from persons pretending and interested, that I must take to myself, and tread that crooked and thorny path alone." He told Laud, that, if it was not for his assistance in London, "I had long since sunk under the burden, so much is it against my nature continually to dwell at contestation with all men".³ "That is no news to me", replied that much badgered Bishop. "I am forced to do the like here. Scarce a man appears where the way is rough."⁴

To get planters of the requisite calibre was difficult, but the confusions in England made it worse. Ireland, it was true, remained in perfect peace till the impeachment of Strafford, but England was all alarms and excursions. Men will not risk their money and

1) R. C.—231. 2) H. M. C. VII—435. 3) L. S. II—157. 4) L. S. II—169.

venture their substance when the scare-monger is in the ascendant, and the anarchy is abroad in the land. The first evil was the drift of the nation towards a war. There was always a war-party at Court, believing that a successful war would revive the Royal popularity. At the same time the Parliamentary Puritans were enthusiastic jingoes. The religion of the Palatinate Elector, the popular antipathy to Spain, on which they always played, and, above all, the knowledge that a war meant a Parliament, the voting of supplies, and a helpless King struggling in bankruptcy, all impelled the Revolutionary party towards Imperial ventures, rather than the domestic reforms on which Strafford had set his heart. "Those men", he said, "that have ever seemed to wed the cause of the Elector most, were never observed to signal themselves by acts of charity. The Lord deliver me from seeking alms at the hands of a Puritan. It is a generation of men more apt to begin business than obstinately to pursue. The part they delight in is to discourse rather than to suffer."¹ The news that the King was on the verge of war with Spain came like a thunderbolt, and what made it more irritating was, that the war was to be waged in conjunction with France, France, which kept her harbours open to the Turkish pirates, who carried off Irish Subjects by the score, landed them at Calais, drove them across France, and shipped them at Marseilles for the slave markets, while Spain had always given Strafford every assistance in dealing with these corsairs. "This great change comes unseasonable to our business here", he told Northumberland.² To the King he was more candid. "The Plantations will be a ne plus ultra, as not to be gone into, but in time of peace." The Planters were all withdrawing their offers, and the only hope he had of bringing them back was by telling them there would be no war or a short one. "Neither can I blame them where they are to plant among people beside part of their pretended inheritance, and in a country the likeliest to an invasion."³ As it was the Intelligence Department reported that friars had approached both the Vatican and the Spanish Government with a request for money and arms. "The landing place is to be Coleraine or Derry."⁴

This panic was lulled, but it gave rise to something worse.

1) L. S. II—54. 2) L. S. II—53. 3) L. S. II—63. 4) L. S. II—111.

The judges had told the King that, in case of public danger, he could impose Ship money on inland towns. The Revolutionary Party had challenged the Royal right, and gained what was really a moral victory in the Courts. Laud reported that the lack of confidence in the Government was marked. The Revolutionary Party were openly triumphant. The revenue was coming in very badly. Public confidence was shaken, badly shaken.¹ It was noticed that Adventurers were seeking the foreign Plantations instead of Ireland. "When men", wrote Laud, "think nothing is their advantage they run from Government".²

Another obstacle was the escheat of the Plantation of Londonderry. It spread a belief that the Crown let lands to undertakers and then escheated the lease. Men did not consider that the London Corporation had broken every Covenant in the lease. Suddenly a rumour reached the ears of the multitude, that Charles intended to sublet Londonderry to a Hamiltonian syndicate, without paying any regard to the rights of the Corporation's tenants, who were "no way privy to the frauds". "Magnanimous Princes" wrote Strafford to the King, "esteem more their honour in their profits than the profits themselves. This offer comes from a mean-minded person. It will extremely discountenance and dishearten Planters, and will lose us far more in future Plantations, than we will gain in this"³ The offer was rejected. The climax, however, came with the rebellion in Scotland, a rebellion which caused civil commotion in London, a cessation of business all over England, an intense unrest amongst the Scotch of Ulster, "and might they have had Connaught too, and that they have it not, the whole Kingdom bears me the ill will of it".⁴

In the meantime the Galway Lords and Jurors were on the war-path. They were aghast at Strafford's iron attitude. They had the idea floating in their heads that all they had to do was to refuse a Royal Title, and the Crown would immediately shrink from the challenge. The arrest of Richard Burke, Clanricarde's nephew, for trying to intimidate the juror, was the first taste they got of the latent powers of the Prerogative. He was fined £500. A charge of riot was hanging over him before the fiasco of Portumna. The case had been heard, and he was awaiting sentence.

1) L. S. II—170.

2) L. S. II—169.

3) L. S. II—65.

4) L. S. II—195.

Part of the sentence was, that he was to remain out of Connaught. "This will pare his nails for scratching to any great purpose" was Strafford's comment.¹ The Jury were then fined £1.000 each.² Proceedings were begun in the Exchequer Court to find the title by a judicial decision, and it gradually dawned on Clanricarde's henchmen that the game was up. Even the last card of riot and civil commotion was out of the question with Clanricarde, his son, and his nephew in the power of the Government, the Sheriff and jurors bound by heavy recognizances, and Willoughby and Lord Robert Dillon on the spot with their cohort of Imperial janis-saries.

Clanricarde and his friends accordingly determined to see what they could do in England, where they were bound to get the support of a powerful party. It should be remarked that, in all these proceedings, Clanricarde pere had hardly appeared at all. This feudal potentate was now a very old man, and, during the furore, he was really non compos. He died a few months after the finding of the Royal title, and it was his more active son, Viscount Tonbridge, now Viscount St. Albans and Earl of Clanricarde, who had been the moving spirit. The death of the famous father, the real victor of the battle of Kinsale, is thus chronicled by Garrard, Strafford's budgeteer. "I knew since last summer he hath a much wasted body, and drank an extraordinary quantity of hot waters daily, which would quickly bring him to his grave."³ The son, however, was a very active and a pertinacious man. He was on very intimate terms with Cottingdon. His half brother was the Earl of Essex, son of the great Earl, second in command of the King's forces against Scotland, and the darling of the Puritans, like his father before him. Clanricarde found at Court Arundel, the Lord Marshal, blazing over Strafford's refusal to pass him a patent for South Carlow, Wilmot raging over the affair of Athlone, Pierce Crosby, who had decamped, without licence, to London when this affair came on the political tapis, and lastly, the ever active Holland, himself "the secret head of the Puritans", supported on this occasion by the political friars, Monsignor Conn, Rossetti and others. All this comprised "The Queen's side". What was more effective, however, was the intervention of Windebanke, the King's secre-

1) L. S. II—13.

2) L. S. I—468; C. T. I—263.

3) L. S. I—509.

tary, and, at a later stage, the elder Vane, who was supplanting the failing and aged Coke.

What brought Windebanke into this affair is a mystery. It is true he was on very bad terms with Laud. It is true that Strafford reported him to the King for passing signet letters "in breach of the establishment", but that was after he had become Clanricarde's solicitor. The most probable reason was his intimacy with the leaders of Roman Catholicism. The Clarendon Correspondence contains letter after letter to Windebanke, detailing the grievances and expounding the schemes of Friars and Priests in the three Kingdoms, France, Spain and Rome. Some of these fell into Prynne's hands, and did Charles incalculable damage during the Revolution. We know from the documents published by the Maynooth Archaeological Society and Cardinal Moran's *Spicilegium Ossoriense* that the Roman Catholic Bishops of the West of Ireland had made Clanricarde's cause their own, and were bombarding Rome with dissertations on the persecution of the faithful all over Ireland, especially in Galway. It is an absolute certainty that it was this agency that made Windebanke so active in this affair. Laud was assured of it. "Notwithstanding your great services you want them not that whisper against your proceedings, as being over-ful of personal prosecutions against men of quality, Clanricarde, Wilmot and Mountmorris. This is somewhat loudly spoken by some on the Queen's side. I know a great part of this proceeds from your proceedings against the Romish Party, yet that shall never be made the cause in public."¹ Suffice it to say that Laud found Windebanke holding forth from a letter detailing a host of alleged persecutions of Roman Catholics in Galway. It was written by the head of one of the French seminaries.²

This cabal had one great advantage. They had the ear of the Queen. Holland actually set himself to manipulate State policy through her. This brilliant, clever, and versatile woman was the only person, after Buckingham, who had any influence with the King. She had a genius for intrigue. She loved those tiny moves and countermoves of high politics, which, in the Courts of the Tudors and Stuarts, bore such a remarkable resemblance to move-

1) L. S. I—479.

2) L. S. VII—275.

ments in the harems of Eastern potentates. Clarendon says of her and the King "Though they were the true ideal of conjugal affection, he desired that all men should know that he was swayed by her, which was not good for either of them . . . She took pleasure in nothing but knowing all things and disposing all things. Nothing could be done without her privy . . . It was her Majesty's misfortune that she had not any person about her, who had either ability or affection to inform her of the temper of the Kingdom, or the humour of the people."¹ It was, for instance, her reliance on Lord Dillon of Costelloe that led the King into that morasse of tragedies, when, calculating on raising armed forces in Ireland to cope with the Parliament, he created a situation in which philibusterers burnt, murdered, and ravaged, calling themselves the King's troops. At this period, Holland was the man on whom she placed most reliance, and Holland, for reasons of his own, was determined to make Strafford's administration a failure. For Connaught, she and the cabal cared nothing, and of it they knew less, but the delight of defeating one man, and exalting the other, the sense of power that followed some minute success, the excitement of being, as it were, "in the swim", all this—not to speak of "particular ends" and personal animosities,—brought buzzing into this affair of arranging farms in Connemara, a host of political animaculae, bound by no common purpose, aiming at no State policy, but making a great dust, and emitting a volume of vain and malicious whispers. "There is", complained Strafford, "a nation of people or rather vermin, which are ever to be found at the Courts of Great Princes, which intend nothing so much as by false reports to wound the credits of honest men, and to breed jealousies between persons better than themselves."² They even laid to his charge the death of Clanricarde pere, "they reporting me", he told the King, "to all the world, worse than a Basha of Buda, rather than the Minister of a pious and Christian King". In fact, within two months they accused him of murdering a man in the Castle, causing the death of Clanricarde, plotting the execution of Mountmorris, and embezzling the Customs.³ "I send you a rule" replied the King "that may serve for a statesman, a courtier, and a lover. Never make

1) Clarendon. *Memoirs*. I—156.

2) L. S. II—121.

3) L. S. II—27.

a defence or an apology before you are accused".¹ In the meantime, Windebanke wrote a hasty letter to Clanricarde, urging him to send any grievance he might have on any possible point. "You do not want friends at Court. Amongst them is Mr. Comptroller (Vane), who expresses his desire for your welfare to the King. I shall be glad to help you."²

One can get some insight into the nature of the appeals for aid that were made in England by a letter despatched by Clanricarde fils to the cynical Cottingdon. The gist was that his father had been a loyal subject of the king, and, as a reward for his loyalty, an information had been lodged against "his kinsmen, his steward and others that manage his estate of opposing His Majesty's service in factious way." What was more, so spiteful was the Deputy against such a tried and true nobleman, that he had "fined and bound to good behaviour for life, and sent away a prisoner to Dublin, Richard Burke, his kinsman, for only joggling with his elbow, one of the fellow jurors. Is confident if his Majesty were fully informed, he would not deny the request of his old faithful servant."³ Cottingdon, however, was too wily to be drawn into this affair, and politely sympathised with Clanricarde's misfortunes. Clanricarde then procured an interview with the King. Charles coldly told him that his servants and jurors "had put a great affront" upon the Royal claims. Clanricarde said that if he got his estate in full, he would get the jurors to repeal their verdict. "How do I know that they will not put a similar affront on you? How can you engage yourself for them?" was Charles' reply. He went on to point out that it was clear that it was Clanricarde's servants who had stirred up this embroilment, and who packed the jury, formed the jury, and intimidated the juror. Clanricarde withdrew, leaving Charles seriously annoyed. "He surprised me with his paper" (i. e. petition), Charles complained to Strafford. Clanricarde had undoubtedly made a faux pas in trying to procure a Royal decision before the king had consulted his advisers.⁴

Windebanke then made a gallant effort to stay all proceedings either with the jury, or in the Exchequer Court. He, like Pierce Crosby, told the King that the Deputy's severity might cause a

1) L. S. II—32.

2) C. S. P. 1625—1660—360.

3) Dom. 1635—452.

4) L. S. I—476, 508; L. L. VII—283.

rebellion in Connaught. Charles' apostle was characteristic, "I am willing to hear the business, but to stay proceedings on a bare information, I think not fit, since there is no question of life, I being able to repay, what justice else is inflicted on them".¹ When Charles was alone, he could be singularly shrewd. His abilities never found their full vent till the last few years of his life, when he had near him not a statesman, nor a peer, nor a courtier of sufficient eminence to be worth consulting.

After this rebuff, three "agents" arrived from Galway. They were Sir Roger O'Shaughnessy of the dubious patent for South West Galway, and Martin and Darcy, Clanricarde's lawyers. Strafford, needless to say, did not regard with pleasure the reception accorded to these gentlemen at the Court. Appeals from the Government, in denunciation of the Government, were not calculated to ease its path, especially when accompanied by ferocious boastings in Ireland of how they would "bring him to his knees" in London by appeals there *ad misericordiam*. "This course of public agency, "he said", is most indecent and uncomely, and hath been in all times of mighty disservice to the Crown, and of excessive prejudice and disquiet to the State." Why should a case pending in the Exchequer Court be a theme for political agitation in London? Why should a jury sentenced for perjury, have their cases tried all over again, not by a Court of appeal, but by political influences in London, while an ordinary subject, who lied in a witness box, paid his fine without any of these commotions?² Strafford was most sarcastic on Pierce Crosby, a discharged and disgruntled Member of the Council, famous for the stately airs of self importance, with which he approached the meanest political brawl. "I was told he was going over to France to achieve some great matters in foreign parts. I hear with his composed looks he gives the Galway agents countenance and courtship before the eyes of all the good people that look upon them, gracing and ushering them to and fro.

"A busier than he none was,
and yet he seemed more busy than he was."

Crosby, however, had got a bit of business to do, Holland, Mountmorris, and the bulky, red-faced Lord Esmonde giving him

1) C. P. I—353.

2) L. S. I—493.

aid. It was not only to aid the Galway agents that he had hastened to London.¹

The agents at first adopted a very high tone. They were careful to explain they were not agents by any means. They were only well-wishers, anxious to end an unfortunate dispute. Their solution was that every patent was to stand as it stood, and they would double the existing rents. This simply meant that all those curious agrarian transactions were to be pardoned for a bribe to the Crown, which bribe they would pay by raising the rents of their tenants. As for the proceedings at Portumna they regarded them as a farce. In their eyes the Crown should wipe them out. There was no such thing as a Royal Title to Connaught. They were assured there were records in the Tower that disproved it. If proceedings were taken in the Exchequer Court in Dublin they were entitled to a writ of error to appeal to the Courts in London. As for the jurors they had only done their duty. Who were they to find a Royal Title on the few papers the Crown Lawyers had produced, "but three or four records"? Everything should be regarded as a mistake on Strafford's part. Let it all be begun *de novo* in the Courts in London, but, as this took time and would take trouble, why not simplify matters by regarding all patents as valid, giving every man the estate he claimed, and doubling the rents?² It was a pretty and plausible plea, but plausibilities of this kind no longer carried weight. "Lean objections, buffeted at every enquiry, nothing left to hang upon them but skin and bone", as Strafford said.³ They were despatched back to Ireland, *re infecta*, but, wrote Charles "I have retained one of them here to deal with other things that concern my service".⁴

This man, Darcy, we are informed by a writer who hated Strafford, was "a lawyer, a stout man and bold, and no servant of the Deputy".⁵ He and Windebank had together concocted a document, involving great "proposals about the Customs" and revenue in general, chief of which was an accusation that Strafford had "cozened" the Customs, and a suggestion that the Connaught Lords should receive their estates for a doubled rent.⁶ It was Holland, Wilmot, and Sir James Galloway who had suggested this to the King.⁷ This synchronized with a similar proposal that

1) L. S. I—497. 2) C. P. I—362—364. 3) L. S. I—493. 4) L. S. I—508. 5) C. T. II—247. 6) C. P. I—440—444, 446. 7) C. P. I—542.

emanated from Mountmorris.¹ It was followed by the appearance of Barr, Wilmot's servant, and Galloway's financial agent. He accused Strafford of embezzling £ 40,000 a year out of the revenue, and arrived in Ireland with a roving Commission procured by "great persons" to cross-examine officials, examine accounts, and, as Strafford said, to disobey Viceregal warrants.²

Hardly was this sinister attack rebuffed, when Crosby and Esmonde accused Strafford of murdering a man in the Castle, and there is no doubt but that Mountmorris had interviewed the dead man's wife with the intention of getting her to support the accusation.³ Wilmot and Holland manifested the utmost reluctance to give evidence in the subsequent proceedings for criminal libel.⁴ The unfortunate man, over whose corpse this intrigue developed, had been imprisoned for contempt of Court, and, six months after his release, caught a chill and died of pneumonia.

The sudden combination of all these attacks, and the undoubted connection of the assailants in one intrigue with those in another, cast a lurid glare on the undercurrents of that period. The Court of Charles was, in moral tone, infinitely superior to that of James and to that of Charles II, but he and his age were the heir to the traditions of the Tudors. All through the State Papers of the Tudors runs the tinge of an Oriental Despotism, and the atmosphere of ruthless barbarism. Great nobles were struck down by hands they never saw. Officials mined and countermined by the methods of savages. On suspicion men were imprisoned and never seen again. Cecil's methods, for instance, could never stand public scrutiny. Charles succeeded to a Throne, reared on such methods, surrounded by such janissaries, who did as their fathers did, as others did, justifying themselves by example, by self-protection. The Stuart epoch is softer and less savage than that of the Tudors, but the elements were there rotting away the foundations of the Throne, and, what was worse, stories of these doings had reached the ears of the multitude, who never suspected them before. In this wild effort to destroy Strafford by lies, aiming at his honour and his very life, directed by English Statesmen

1) C. P. I—361. 2) L. S. II—27, 34, 107, 137, 229; L. L. VII—396, 410, 419, 420, 441; Dom. 1639—11. 3) R. P. III—895—902; L. S. II—145. 4) L. S. II—277, 282—284, 286, 397.

with Irish weapons, we understand the difficulties with which he was daily faced in the pursuit of his eternal policy to "restore a good understanding between the King and his subjects". The cabal was routed, horse, foot, and artillery by the confidence of the King and the courage of Strafford. It never reared its head again till the battle of Newburn.

Darcy's intrigue was a fiasco. Charles was caustic in his comments. Windebanke disowned him in panic.¹ He vanishes from the scene with the following screed of woe "I see a prison before me, because of some propositions I showed Lord Holland and Mr. Windebank. I pray for protection against the Deputy".² No prison awaited him, however. A few months later he had Laud petitioning Strafford to procure for him an Act of Grace, whereby he could resume his practice at the Bar.³ Subsequently he emerged as a patriotic member of Parliament in the prosecution of Radcliffe, Bolton, Lowther and Bramhall for treason, and then went forth into rebellion with the Catholic Confederation, loudly protesting that, as the Puritans had gone into rebellion, so too should he and his colleagues strike a blow for "the liberties of the subject and the Catholics of Ireland".⁴ Strafford's comment is worthy of reproduction. "I find there is already jealousies among the agents themselves, so hard it is for the Irish to continue any time in the same purposes and the same affections in themselves or towards others. We will speed and settle the work now before us."⁵

The defeat of Darcy's financial reform, based on annulling the Plantation, showed the cabal that the tide was too strong against them. True it was that the remaining members of the Jury waxed very contumacious when news arrived that Donnellan had been summoned to London. They defied Wandesforde in the Castle Chamber to the delight of those who "daily practice change", as Miler Magrath used to put it. Strafford, then in London, wrote to withdraw Donnellan's licence, and the enthusiasm waned.⁶ Clanricarde then threw up the sponge. He came to the King with a letter signed by all the Galway land owners, recognizing his title, and asking for the same treatment as the other three counties. "That is something", replied Charles, "but

1) C. P. I.—446, 542.

2) Dom. 1636—405.

3) L. L. VII—455, 469, 492.

4) C. S. P. 1641—309, 374.

5) L. S. I.—521.

6) L. S. II—23.

a public acknowledgment must come from the jury. There is no need for them to confess themselves knaves. They may say they were mistaken in their evidence, but they must be made to know themselves, and be differenced from others. You may write to the Deputy."¹

Clanricarde's letter is still on record, but Strafford's reply is not extant. In it Clanricarde pointed out that "the free and voluntary surrender of the country" was even a better tribute than a jury's finding, that the jury "humbly acknowledged your justice and their error", that he would be at Strafford's disposal in perfecting the Plantation, and all he asked was that Strafford should "intercede with the King for the county and the jury".² The result was that the jury were summoned again and a title duly found.³ The County of Galway was to contribute more than the usual quarter, but not the half originally determined. The fines of the jury which were originally £ 1.000 a pice, were cut down to £ 8.000 for the whole, and that to be divided according to the wealth of each, some of whom were men of "great scopes". "The Deputy", said Rossingham, "is generally conceived to have proceeded with justice".⁴

Rossingham was the nearest approach to a newspaper at that time, and he did not love Strafford. His budgets for disposal in the Provinces certainly recite all the rumours of "hard dealings with men of quality". The little tribute paid above was not a sudden repentance. In a previous letter he attributed the delay in Strafford's arrival in London to fear of approaching the peerage after sentencing Mountmorris. He had been summoned to the Council, and there scolded till he trembled with fear.⁵ The little tribute to the Deputy was an amende, a kind of modern "We regret that owing to a printer's error, etc."

There was comparative peace after this. The sudden death of the Sheriff who had packed the jury caused murmurings that Strafford was responsible.⁶ In Connaught the chief Burkes tried to boycott the Commissioners, and induce the "meaner sort" not to lodge their patents. This having failed they appeared, but some were detected in putting in other men's lands as their own. One

1) L. L. VII—284. 2) L. S. II—35. 3) T. C. D. F. 3. 15. 4) C. T. II—263.
5) C. S. P. 1636—131. 6) L. S. II—13.

was the Earl's step-brother. Another was the heir-apparent to the Palatinate. "Divers other gentlemen of good quality did the same." Willoughby's function was to have a Corporal's guard at the door, which used to enter and seize "the gentleman of good quality", and incarcerate him in the guardroom. The Earl's step-brother did ten days in this restraint. They were all released with a caution when the Commission had closed its books. This was done "for the better example to others", and the Commissioners reported that, after the first few arrests, "the business succeeded the better" and there were less fraudulent entries.¹ It was the incarceration of these gentry that provoked the letter from the French friar, detailing "a Catholic persecution in Galway. All the nobility and gentry are committed to prison." Windebanke received this missive from Rome.² At the same time the Roman Catholic Bishop of Elphin wrote to the Pope asking him to send a letter to the Queen to induce her to stay the Plantation, "*ne tota gens semper Catholicae religionis tenacissima pereat*".³ History does not relate whether the Earl of Roscommon petitioned Laud, or whether Mayo implored Usher to intervene on the grounds that the surrender of a quarter of their estates spelt the destruction of the Reformation.

The position of Clanricarde was a curious one. He was at the same moment suspect by the Imperial authorities, and also their special protegee. For nigh on 200 years the Monarchy had pursued one policy relentlessly, the reduction of the great Lords of the three Kingdoms to the level of ordinary subjects. Antrim, Clanricarde, Thomond, and Ormond were the last four of these great feudal and semi-independent potentates. Personal qualifications, politics, and religion made no difference to this policy. When Thomond died, Strafford recommended that his Palatinate Lordship be abolished, and that his son, one of Strafford's most faithful supporters, be not made Governor of Clare. The day for these great powers in the hands of great subjects was gone.⁴ The same thing applied to Clanricarde "It hath been the constant endeavour of the State", wrote Strafford, "to break the dependences which great Lords draw to themselves of followers, tenants, and neighbours.

1) Egmont M. S. S. I—106. 2) L. L. VII—285. 3) A. H. V—95. 4) L. S. II—332.

His Commission of Presidency makes him little less than a Count Palatine . . . This State hath found little obedience in Connaught in any thing where the Earl and Clergy hath not been pleased to concur."¹ In writing this Strafford was talking in a jargon perfectly understood by the Council in England. After Portumna he recommended that Clanricarde be dismissed from his Presidency of Galway, and that the Country be placed under Ranelagh, President of Connaught, an ordinary servant of the Crown.² Coke wrote back that the King thoroughly approved, but "it was not reasonable to do it at once".³ The death of Clanricarde père gave the Crown the opportunity. True it was that Clanricarde fils had the Presidency in reversion, but patents for two lives were illegal. Strafford seized the opportunity. Galway was placed under Ranelagh. Clanricarde's company passed to Lord Caulfield. The Governor of the City, who held only from Clanricarde père, was replaced by Willoughby. "There is secret work against me in England. Letters much to my disadvantage are about to be passed. I have not deserved ill of His Majesty." So Clanricarde wrote, bemoaning the age in which he lived.⁴ When Strafford left Ireland there was not a Palatinate Lord left, save Ormonde. No private subject save him had legal powers to command another, to stand on his patent and defy the officers of the Crown. Those good old days were gone.

There was, however, another consideration. The Crown owed much to the De Burghs. When the Ulster Chiefs invaded Munster, and the Spaniards landed at Kinsale, and half Ireland stood neutral, watching who would win, it was Clanricarde père who by prompt action turned the scale. This was but one of the services the De Burghs had rendered the dynasty, and the Dynasty could not forget it. An appeal on those grounds could not be ignored. Clanricarde brought a small levy from London to help Charles when he marched to Berwick, and no reason of State could outweigh these long services. The prestige of the Crown could not be tarnished with the stigma of ingratitude. There was yet another aspect. Clanricarde was in debt, heavily in debt. A great Irish Chieftain could not pay the calls made on him at home, and dwell in London, married to Sir Philip Sydney's widow, on the waning revenues of the old estate. The abolition of coigne and livery

1) L. S. II—368. 2) L. S. I—454. 3) L. S. I—465. 4) C. S. P. 1636—122; L. S. I—492, 512.

alone had hit the Irish aristocracy very severely, and Court life swept out in bankruptcy and dissipation no small number of the old families. To these debts young Clanricarde was heir. In addition there were the feudal dues on succession. He attempted to revive some old claim and procured, by Windebanke and Arundel, a signet letter ordering Strafford to pay them out of the establishment. It was an unjustifiable debt. It was contrary to all decorum to use the standing revenue for this purpose. Strafford put his foot down and complained to the King. The King rebuked Windebanke, who conveniently laid the blame on Arundel.¹ This alone shows how real were Clanricarde's financial straits. In addition to this his patent had been declared void. A fourth or more of his estate was destined to disappear. His chiefries were on the verge of abolition. The composition would be land requiring capital to develop, and none knew what Church lands and Crown concealments would be discovered, when his title deeds were examined. In other words he had no credit.

It was no part of Crown policy to reduce the Irish nobility to poverty. The old families were the special care of the Sovereign. All the correspondence of the Tudors and the Stuarts shows that these men had claims on the Sovereign and the Sovereign regarded them in the same light as a Squire does his labourers. Throughout all the arrests, scoldings and confinements which it was the duty of Charles to mete out to the aristocracy of the three Kingdoms—there was seldom a week in which one of them was not brought before the Royal presence for some ludicrous offence, maltreating a wife, quarrelling with a father, or brawling in the City,—there runs the prevalent notion that the King was bound to see that they and their families were preserved according to their position. The feminine relatives of three Irish Chieftains, killed in rebellion or banished, Desmond, O'Donnell, and O'Cahane were given special grants and placed on the pension list. The heads of the Kavanaghs, O'Byrnes, O'Rorkes, O'Donnells, and Maguires were all drawing their yearly pension from the King. Here is but one example of the function of the Crown, as described by Strafford.

"Young Lord De Burgh is a well-disposed child. By my advice he hath been settled in the College here, under my son's

1) L. S. II—83, 110; C. S. P. 1637—101, 156; Dom. 1637—374, 379, 380.

tutor. His house hath not been tainted with any disloyalty in the last rebellion. I will keep some watch upon his education and estate, and then will become a humble suitor to His Majesty to restore the broken and weak condition of his noble family. The House is become small, and there is nothing left to support the honour with."¹

In these circumstances Clanricarde deserved care, but the difficulty was how to do it. After his undoubted tampering with the Connaught jury, to exempt him from the Plantation was to discourage those who had gone with the Crown in the other counties. Thomond, Inchiquin, and Ormonde were allowed to become undertakers under covenants of their escheated fourths, but these three had gone a long way to ease the path of the Crown in planting Ormonde and Clare. Strafford had a solution of this problem but it is lost. The King thanked him for his suggestion. "You have shown me a fit way to favour him", he said. On another occasion the Committee of Revenue referred to this alternative.²

Clanricarde accordingly first approached Strafford. He dilated on the poverty of his estate, the nullification of his patents, and his lack of credit. He asked Strafford to recommend his case to the King.³ This was impossible. It was no part of the Straffordian regime to interfere in Acts of Grace. How far this was carried is shown in the case of Lady Dutton. Her husband, the Admiral for the Irish coast, was owed money by the Crown. On his death there was considerable controversy over the legality and propriety of the debt. She petitioned Strafford. He coldly told her that all he could do was forward her petition to the King. Privately he strongly urged the King to pay her, and succeeded in getting her paid, but outwardly the Act was the King's, and a semblance of "the negative" was attributed to Strafford. In the code of the Royalist, Ministers of the Crown were not supposed to seek for popularity, but only to "take the negative on our shoulders", as Strafford used to put it.⁴ Strafford's reply was accordingly cautious. He told him to petition the King, but as for interfering in an Act of Grace, to urge it on the Sovereign, he could not do so.⁵

Clanricarde accordingly petitioned the King for the reinstatement

1) L. S. II—342. 2) L. S. I—508; II—368. 3) L. S. II—155. 4) L. S. I—309; C. S. P. 1634—81. 5) L. S. II—173.

ment of King James' patent, for the recovery of all his lands and Chiefries as they stood before the Royal title was found. The letter was dated Feb. 14, 1638, or Feb. 14, 1639 in modern reckoning.¹ It was forwarded to Strafford for comment. It came at a most awkward moment. The Irish Executive was working at full pressure. The measurements of Connaught, Ormonde, and Clare had not been perfected. The quarrel with Lord Loftus had produced chaos in everything connected with the Seal. The State control of tobacco had just been undertaken. Two new Companies and a troop had been added to the Army. Five hundred men were being specially equipped for dispatch to Carlisle. Down and South Antrim were in a state of unrest. The rebellion in Scotland had produced a state of affairs in Ulster, requiring the utmost vigilance, and ceaseless supervision. All Strafford could reply was that public business was such "as burdens me as well as my thoughts" and that he required time. All he would commit himself to was that the Grant was excessive, and he did not believe the King had been properly informed. "It imports me to understand whether his Majesty intends a bounty of £30,000" of land which belonged to the Crown.²

Windebanke should never have allowed such a letter to be laid before the King without first telling him or at any rate privately consulting Strafford. Strafford had very good reasons for complaining that the royal secretaries put too much of "the negative" on the Deputy.

There was yet another reason for delay. If Strafford was overworked so too was the King. A student of the State Papers and the Clarendon papers cannot but wonder at the mass of business with which the King had to deal. Foreign policy was a maze of complications. The raising of money was a task that would stagger a giant. The mobilization of the militias, their transport to Berwick, their internal economy, the dissensions of the generals, the Scotch mobilization, the intrigues with friendly Lords, all this, with the ordinary affairs of State, was transacted daily by the King. The collapse of the Monarchy was really due to the rapid growth of public business. It is amazing how Charles transacted the business he did. The calmness and shrewdness of his apostles are

1) C S. P. 1639—209. 2) L. S. II—292.

a miracle of Statecraft, but he had to devolutionize, and it was some of the questions he devolved on subordinates that suddenly developed and overwhelmed the Throne. Windebanke, for instance, was really a Prime Minister. Every despatch is a mass of suggestions and advice, and Windebanke was not of the calibre of a premier. It was this burden of business flung on Strafford, and his reluctance to trouble the King at York and Berwick, with bankruptcy behind him, the Scotch in front, and Richelieu on the flank—this, coupled with Windebank's hostile interference, that really destroyed his Irish Government.

On March 2, the letter arrived. On March 21, Strafford pleaded for more time, discounting the letter.¹ On April 22 he again condemned the Clanricarde grant, but gave no reasons.² On May 16 Radcliffe saw the King, explained the delay, and said it was impossible to pass the Grant.³ On May 18 Strafford informed Coke that the matter had now been thoroughly sifted, the Committee of Revenue had reported adversely, but, as he had been away, and had not read the report, he would send it shortly.⁴ Long before this, on April 13, Windebanke had written to the King lamenting Strafford's long silence. He had not heard from him since March 2, and then he had noted that Strafford was hostile. "It is most evident that the Deputy will everlastingly hold the grant in suspense, unless your Majesty please, in commiseration and princely compassion to the Earl, to save the Earl from utter ruin. Command him (the Deputy) to pass it." The King apostled: "It is true", but added he would wait for Strafford's answer.⁵ It is worthy of note that the only members of the Council who were with the King at this time were Arundel, Essex, and Vane. Clanricarde was also in the Royal camp. Any comments the King required on the matter were of the same tenour as Windebanke's, and we have Clarendon's authority for stating that Charles was so dubious about his own judgment on matters that he had not carefully studied, that he listened to and acted on the advice of whosoever was nearest him at the moment. Nor had they been inactive. Clanricarde interviewed the King, and made word for word the same plea as Windebanke, that Strafford was deliberately delaying an answer to increase his financial difficulties. This he

1) L. S. II—306. 2) L. S. II—332. 3) L. S. II—349, 365. 4) L. S. II—340
5) C. P. II—37.

communicated to Windebanke.¹ He had also left a letter for Vane, and had been in communication with Essex on the "earnest business".²

This pressure soon told on Monarch, who was goodnatured to a fault. After all Connaught was his, and the loss, if there was any, fell on his Privy Purse. Why not be generous and reward this nobleman, in whose favour his Generals, his Secretary, and his Controller spoke so highly? The Scotch Lords had been rebellious, but Clanricarde had done his duty, and it was ill work at this time grudging his ancestral estates to a nobleman, who could do both harm and good. Lastly James had given him these lands, and who was he to deny his father's patents, and repudiate his father's seal? We may be sure too the Queen did not speak against Clanricarde. On June 20, the following letter left the Camp at Berwick, accompanied by an official mandamus from Vane.

Wentworth,

Though public affairs be of importance I leave them to the relation of others, I wish that rather that will get me thanks, at which I will not repine, being that particular concerning the Earl of St. Albans, for whom I writ you a legal letter, the execution of which you stopped, as conceiving it against my service, promising to send me a true state of the business, which, being longer delayed than that nobleman's estate could well suffer, I thought it better to do him a timely favour by another, than to want so much of my thanks as coming too late"—(this obviously refers to the alternative method of compensation)—"so that, if through ignorance, my bounty be too large, your slow advertising of the case is the cause. Wherefore I would have you give this letter his free course, only that you may see his acknowledgment of my title be full, which certainly will take away the objection of any ill precedent, or harming my service in the like case.

I rest

Your assured friend,
CHARLES R."³

Even against this last proviso Clanricarde objected. He raised legal difficulties.⁴

1) Dom. 1639—30. 2) Dom. 1639—39. 3) L. S. II—360, 361. 4) C. S. P. 1625—1660—222, 223.

Strafford was aghast when he read these documents. He described it as likely "to be the greatest disadvantage which hath befallen these affairs since my coming to this Government", and made a prophecy that was strangely verified, that one day the King would realise to his loss what he had done.¹

At one fell swoop the Crown had passed to Clanricarde, not only five out of the thirteen Galway baronies, but the best five. Where were they to put the planters? Where were they to get the large leaseholds for dispossessed small holders, if this was passed in fee simple? In all Connaught he was granted 60.000 acres in fee simple, and chiefries over another 48.000. With what face could they cut and escheat the chiefries of other lords with this letter public all over the Province? How could they boast of their promised "justice", whereby "every man was to hold of the King", with Clanricarde, drawing these dues and rents from no small part of the population? What was more, this grant actually gave him lands to which he laid no claim in the old patent, and, what was worse, lands belonging, or at any rate claimed by other men? Were men to be denied their right to trial of title because he whom they sued had in London Puritans, friars, politicians and women at his beck and call? The thing became a negation of decency when the patent passed to Clanricarde lands he had sold to others. Rectories, Vicarages, and advowsons were handed over to his Lordship as if the Church was some felon, whose goods had been escheated, and, on every rectory, vicarage, chapel and prebend in Galway, Clanricarde was now endowed with a third of the first fruits. All this was to be free of rent, while, outside his hegemony, others—better subjects but less intriguing—were to pay $2\frac{1}{2}$ an acre. Finally all was to be passed in soccage, save four townlands. Did ancestral rights, Elizabeth's composition, or James' patent warrant such a wild swoop as this, at the expense of both Crown and subject? Strafford says himself that the additions to what Clanricarde legally claimed was worth £ 30.000. One can comprehend why men grudged the subsidies two years later. They were to pay 3% on land and 2% on goods partly to make good these ravages at the expense of the Treasury.

There was however something more serious. How could they

1) I. S. II—425.

take away a quarter of every man's estate after this? How could the Dublin Government refuse claims and grants to men, angrily asking were they not as good as Clanricarde, who had packed the jury and flouted the Royal Title? All over Connaught those who "daily practised change" were pointing the moral. The Government had broken its word and eaten its brave words, not because it repented, but because it was afraid of Clanricarde. Therefore let those who wished for justice do as Clanricarde did, and make the Government afraid of them!

In desperation Strafford despatched the report of the Commission of Revenue. He implored the King to give Clanricarde any bounty but this. He had received his instructions and would obey. The passing of a patent such as this however, took time. When he came over to London he would have more to say. As it was there was a stampede to London of every Connaught landlord of any importance, where before "if that way had not been given to the Earl every man would have rested himself content under the sight of being used equally with other men, where now they stomach that his Lordship, who deserved of all others the worst, should be most regarded".¹

This was the real sting in the Plantation. All the escheats, concealments, dues, surrenders, rents and covenants became far more irksome than they otherwise would have been at the news of this letter. What was before an arrangement of tenures and a contribution to the revenue suddenly appeared in a very unpleasant light. It was in or about this period that the intrigues began which culminated in 1641. They were assisted it is true by the war in Scotland and the unrest in Ulster, but it is significant that Charles believed that the Irish rebellion would break out in Connaught and not in Ulster. In the spring of 1641 it was on that Province he put his finger as the next zone of danger.² Lord Dillon of Costelloe, at this period, went abroad to Rome and Spain, and great efforts were made to make his belligerent brother a Bishop in Connaught.³ Headed by Malachi O'Queeley, the Roman Catholic Archbishop of Tuam, four Bishops wrote to Tyrone to come back. There was some excitement amongst the Irish condotterin in Spain, and two friars were despatched to Ireland.⁴ All through the

1) L. S. II—366, 367, 425, 381. 2) C. P. II—134. 3) S. O. I—234, 247, 250, 252, 253. 4) C. P. II—69.

Clarendon correspondence these intrigues are duly noted, but Strafford regarded them as intrigues and nothing more. His agents in Spain kept him very well informed, and he always ascribed them largely to the self-importance of the couriers, unknown men arriving in Spain and boasting of their importance in Ireland, and obscure persons arriving in Ireland detailing how they had the ear of the King of Spain. Given normal efficiency this situation could easily be handled. The tide of rebellion and civil commotion swept all over Great Britain, and yet Ireland remained peace. It was not till the political groups began to tear up all the foundations of the State in Ireland that the storm burst. It requires something more than the anger of a tiny minority in four counties out of thirty two to set the heather alight, though it was true the opponents of the Plantation could make a great noise, and keep fanning the embers in the hopes that others would provide the fuel.

At any rate Strafford left Ireland in triumph. The threat of a Scotch invasion and the glamour that hung round the King gave no scope for "particular ends" to work their will. Clanricarde might storm over a further delay in his patent. Men might grumble over surrendering their fourths when he did not. After all, the rest of Connaught could be planted, distributed, and allotted, and every man could "hold of the King", with a good title for $2\frac{1}{2}$ an acre, free of reliefs and dues and other abominations of the old regime.

A whole year passed by, pregnant with much disaster. The rumour of Strafford's death, coupled with the disturbances in England and Scotland, encouraged a party in the House of Commons to essay the task of mangling the subsidies the House had already voted. Radcliffe ascribed no small part of this opposition to certain of the Connaught members who, being in touch with the Revolutionary Party in England, had hopes of defeating the Bill to legalise the Plantation in the chaos that would follow a withdrawal of supplies.¹ Newburn was then fought in Strafford's absence, and the King called a Council of the Lords to decide how best to cope with the situation. At that Council some of the peers flung the whole odium of the disaster, the war with Scotland, the dissolution of the Short Parliament, and the debacle of Newburn

1) R. C.—210.

on Strafford and Strafford alone. The hostility of Essex, Holland, and Arundel was marked.¹ The King then agreed to call a Parliament. Clanricarde gleefully informed Windebanke of the wonderful "remedies to these distempered times" he now saw pending, "but I have some small comments of my own in my private thoughts that somewhat abate the discontent".² A few weeks later he refused an invitation of Strafford's to dinner, writing to Windebanke with joy "and when the Parliament sits the day will come that shall pay for all".³ On Strafford's arrival in London the matter was debated in the presence of the King.

Matters however had gone so far now that the King could not go back. He had given the promise. He was in no position to alienate the ally and step-brother of Essex. The final terms were that the Irish Government were to have the power of interchanging other applotments with Clanricarde's. Otherwise the patent stood. Clanricarde boasted to Windebanke that in time he would even get this concession withdrawn.⁴ A few days later the snap resolution condemning Strafford's Vice-Royalty was passed in the Irish House of Commons and Strafford was arrested by its English confrère.

It was at this stage that Strafford's warning came true. Clanricarde's patent appeared as the great grievance of the Connaught subject. If a surrender and a re-grant was accorded to Clanricarde, why not to Dillon, Blake, Brown, O'Shaughnessy, and a host of others. Whitehall was beset with the clamour of the Connaught Lords. Their clamour brought in another party. If they were to get their Estates, and the Royal title was to be denied, why should not this apply elsewhere. Why should other men's titles be called in question? In one week the Statute of Limitations became the great desideratum, and all the Lords of the Pale appeared before the Council demanding its enactment.⁵ To this great clamour the King gave way, and in one short hour the revenue lost £ 20,000 a year by the surrender of the Plantations, and £ 3,000 a year by the collapse of the Defective Titles Commission. To appreciate the seriousness of this one must realize that the House of Commons had already "bangled" the subsidies,

1) T. P.—195; R. C.—217; Clarendon Memoirs I—76.

2) Dom. 1640—92.

3) Dom. 1640—152.

4) Dom. 1640—197; R. C.—140.

5) C. S. P. 1641—279.

on the strength of which £ 140.000 had been borrowed.¹ Where was the money to come from for the soldiers, 12.000 armed men? In despair they started looting. Ormonde was helpless. The apostles of liberty held that Generals should not be allowed to courtmartial looters and mutineers.² The question of the Army suddenly became vital. Charles proposed to disband 10.000 men, and to find them employment in France and Spain. In the meanwhile riots and disorder were the order of the day. The dominant Party in the House of Commons, arrested the judges, arrested officials, encouraged civil commotion by pious resolution, and the terrified Council cowered before the storm.³ "Rescues and forcible entries" wailed a much plundered clergyman, "are so common, that it is doubtful whether security be in law or outrage".⁴ Poor Parsons, now Lord Justice, indicted screed after screed of lamentation to London, denouncing every concession, clamouring for money, appealing for this, and abusing that, Parsons who had been behind half the intrigues that overthrew Strafford, and had drafted one of the deadliest articles in his indictment.⁵ He was now "the man on the horse", and the horse was exceptionally restive, as Parsons had broken the curb. The shade of the "sour Deputy", must have smiled grimly.

Any help from the Parliament was out of the question. It was split into two raging factions. The original combine that had prosecuted Strafford was made up of the Clanricarde group, assisted by such members as the Priests could rope in, and that body of persons whom Sir George Wentworth described as "wanting shares" in the Plantation.⁶ The Irish Committee of Grievances in Whitehall was evenly divided between both groups, but one of the Burkes and Plunkett, Clanricarde's man of law in the case on Defective Titles, got "private access to His Majesty by means of the Catholic Party", and the whole Committee returned raging with each other.⁷ The Irish House of Commons was rather a beargarden of factions, manoeuvring for position, than a responsible assembly. Each faction tried to outbid the other for popular favour, by destroying revenue, or hampering the free passage of law. On one thing were they united. They would not vote a

1) C. S. P. 1641—299. 2) C. S. P. 1641—271, 272, 275, 289. 3) C. S. P. 1641—280—300. 4) English Historical Review. IX—549. 5) R. C.—231.
6) R. C.—232. 7) Egmont M. S. S. I—129, 130.

penny to carry on a Government, already close on £ 200,000 in debt.¹ To expect assistance from such a body was out of the question. Here is but one glimpse of the confusion. "The army has nothing to live on save robbery. We cannot put the ships to sea. We have not a penny. The judges report the authority of the State is quite lost."² The very rumour that the Plantations were gone and that all Defective Patents stood good, caused the bitterest indignation. What were the feelings of those men who had bought lands from Clanricarde, and found that the State had passed them back again? What was the feeling of those who now saw themselves back again in "the one day's work in the week to the Lord", and "the dependency on the Lord", and "the capis" at Christmas time, and "the coshering on the tenants which is very chargeable". These things had been endured for many a year, but the King had promised to abolish them, and the King had broken his word, and broken it at a time when "there was less security in law, than in outrage". To make confusion worse, there was an instant cry that the Wicklow Plantation be torne up by the roots. This area had been in a state of civil war when Strafford came to Ireland, raids of the Byrnes on their tenants, and the tenants on the Byrnes.³ He had planted and pacified it, and it yielded £ 2,000 a year.⁴ The Byrnes rushed to London to have all these titles and allotments called in. They were refused and returned muttering many things.⁵ Were not they as good as Clanricarde and the freeholders of Connaught? This was very serious. "In former commotions" wrote a scribe of the period, "it was always observed that the Rannelagh was as the echo of Ulster, and at all times followed the noise of any commotion in the North".⁶ The North was at this moment on the verge of an upheaval. The O'Neills in Spain had for months been in communication with Argyle, through a friar called Hegarty.⁷ A Campbell, invasion of the North to destroy, once and for all, the MacDonalds was only a question of time, and these Campbells had a clear understanding with the exiled condottieri.⁸

It was the question of the army that brought matters to a

1) Egmont M. S. S. I—219; C. S. P. 1641—285, 288, 295, 298, 302; L. P. 2. s. IV—208, 209. 2) C. S. P. 1641—279. 3) Cowper I—425. 4) Egmont M. S. S. I—223. 5) C. S. P. 1641—285. 6) G. H. C. I—24. 7) Gil. I—399; C. P. II—80, 86. 8) Dom. 1639—553; R. C.—206—209; L. S. II—281, 289; G. H. C. I—18.

head. At first 10,000 men were to be disbanded, and sent abroad for enlistment. This decision was taken before the revocation of the Plantations. Plunkett and Burke at that interview with the King suggested an alternative. The Connaught Lords would take it under their wing for emergencies. Sir Adam Loftus saw the danger, but no one would listen to his pleadings.¹ The King was on the eve of his tour to Scotland. There he intended to rally a party that would face the Revolutionaries, whom he knew intended first to seize the Royal forts and armouries, and then to do what they wished with the Kingdom. This offer opened up a wonderful prospect. Is it any wonder that Charles flung the Plantation to the winds. The departure of the levies was instantly cancelled. The anti Plantation group carried an angry resolution in the House, that not a soldier leave Ireland. The Priests beset the one departing regiment with fiery jehads urging them to remain behind as they "would be wanted soon". Lord Dillon of Costelloe accompanied the King to Edinburgh, profuse in declarations of what he and his friends would do. On October 18th he landed in Ireland with a letter, placing him on the Council.² Antrim was all agog with excitement, enrolling MacDonald levies, and, if the truth be told, not preserving the silence necessary in such a matter. Suddenly Phelim O'Neill, a man of "bankrupt estate and great ambitions" appeared as leader of a wild emeute of wood-kern, levies, and ex-members of the new army. He bore a Patent with a Scotch seal. It was dated for the day on which the seal was passing from Hamilton, Argyle's new ally but secret enemy, to Loudon, Argyle's nominee to the Chancellorship. On this date no man could say who was Guardian of the Seal, and to what purposes it had been put. Suffice it to say that Phelim O'Neill, the head of the party, that had been intriguing with Argyle via Madrid, Paris, and Brussels, butchered ruthlessly the little planters, the one force in Ulster on which the King could consistently rely, and spared all those Scotch settlers who had manifested such open and seditious sympathy with the Covenanters. He and his henchmen complained bitterly that the Scotch would not rise with them, as had been promised, and would not hand over the forts, as "a great nobleman" had sworn.³

1) C. S. P. 1641—279. 2) Ormonde M. S. S. II—46. 3) Gil. I—371, 373; G. H. C. I—23.

Antrim was aghast. He had been outmanoeuvred and anticipated. Cooped up in North Antrim, with his MacDonalds, helpless to make headway, he vanished for a time from the scene. Then Argyle—for the Scotch Parliament was Argyle and no one else, despatched levies to Antrim and Down, ran up a flag of their own, and appeared as an Independent State, forming alliances, sometimes with Parliament, sometimes with Ormonde, sometimes with the O'Neills, at any rate a law unto themselves where they could make their power felt, till Cromwell swept over Ireland, reduced them to subjection, escheated some of the leaders, and fined many. It was not till four months after the outbreak that the O'Neills realised that they had fulfilled the function of a catspaw, by which date they laid down as one of the planks in their platform "that the Scotch be removed out of the North of Ireland".¹

Such was the logic of events that followed from the Plantation of Connaught. Orthodox history assumes that the rebellion was due to Strafford's action. It was due to the revocation of all his Connaught policy, beginning from the day that Clanricarde passed his patent. From that action Charles never shook himself free. It led him from one disastrous concession to another, and finally to that wild-cat scheme of handing over the new army to "ill disposed" subjects, not having dependence on him, subjects who could neither control their men, nor confine them to the task of rebuilding the State.

Nor did the concession make Clanricarde a faithful Subject of the King. The first whisper St. Leger caught of the seriousness of the rebellion is thus described. "I was told under the rose that, after twice sending for, the Earl of Clanricarde did not appear."² In other words when the storm burst, Clanricarde had no intention of unduly exerting himself on the King's behalf. Ormonde, who owed the king little, in fact the debt was all on the other side of the account, rushed to the aid of the beleaguered State to be bitterly denounced by the Lords of the Pale, as one who went not with the Soviet they erected, and to be more bitterly abused by the officials, as one whose kinsmen were Roman Catholics, and therefore suspect. What always used to make him most indignant was the suggestion that he had "anything like

1) Gil. I.—382. 2) Egmont M. S. S. I—144.

intelligence with any rebel or Pale Lord", with those "who would erect instead of the King's Government, one of rapine, barbarism, and murder", that he was anything but "a stranger to Lord Dillon's instructions, whose embassy was not from any gracious persons to King or Parliament", in other words Connaught and Pale Lords, belligerent friars, and the Queens side.¹ Inchiquin gathered what troops he could and fell back on the Southern cities. Between him however, and Dublin, there lay the Catholic Confederation, whose rule of billettings and extortions made the Papal ambassador, Rennucini, lift up his voice in lamentation.² With this waste dominated by a Confederation of Lords and their condottieri, Inchiquin did what he could for a time. Rinnucini says that it was remarkable how he drew tribute from Munster easily and without protest, while the Confederation had to take everything by force.³ The Parliamentary control of the sea, however, forced Inchiquin in the end to fall back on the Parliamentarians for aid, a course not at all unpopular in the Southern Cities, where commerce as a rule was very friendly to the Parliament.

Clanricarde's inertia, however, was marked. It is just probable that if he had joined Ormonde promptly at the beginning, before the contagion had spread outside three Ulster Counties, there might have been another story to tell. There is no doubt but that he sat on the fence. The belligerent Bishops, his enemies in Connaught who were many, his connection with the Parliamentary leaders, his estates in England all forced him to wait, and confine his operations to protecting his own estates, which certainly was an arduous task. From all his vacillations, policies, and difficulties, however, one thing emerges, and that was that he was no use to the King when the crisis came.

If one looks back over the Strafford regime, one cannot but notice his extraordinary judgement of men and motives. St. Leger, Inchiquin, Ormonde, and Coote, were the men whose praises he was ever singing, and those four emerge during the subsequent confusion as courageous and efficient men, creating round them, in the teeth of terrible difficulties, something that gave protection to "weak and painful people" against "hobblers, kern, and hooded men". Of Antrim he said "If it came to blows, Argyle is the

1) Egmont M. S. S. I—165, 166. 2) R. E.—238, 284, 354. 3) R. E.—353.

likelier of the two to begin the sport with Antrim on this side, than to wait my Lord's coming over to him . . . I am utterly persuaded that I will not allow him to draw together a great body of Irish under the command of the only septs that remain of the Ulster rebels . . . What will happen if Argyle pursue him into this Kingdom, and the Scotch here arm and declare themselves for him . . . He hath already sent to as many Os and Macs, as would startle a whole Council Board, so as this business of your Majesty's"—to use Antrim's levies to attack the Covenanters—"is now become no secret, but the common discourse, both of his Lordship and the Kingdom."¹ These lines were written in 1638. One would imagine Strafford was writing in 1641. In 1637 he prophesied that any levies Antrim would collect for the King would strike for their own aims with furious outrage. This is Antrim's rueful comment on his plan. "But the fools well liking the business, would not expect our manner for ordering the work, but fell upon it without us."²

Of Clanricarde he was even more prophetic "All your kindness shall not better his affections to the service of the Crown, or render him thankful to yourselves, longer than his turn in his serving. Remember Sir, that I told you of it."³

1) L.S.II—289, 300, 301, 305. 2) C.A.H. Appendix XLIX. 3) L.S.II—408.

PART. VI

PLUTOCRACY
AND REVOLUTION

Chapter I

THE ULSTER PLANTATION

The evils latent in the most promising contrivances are provided for as they arise. From hence arises, not an excellence in simplicity, but one far superior, an excellence in composition. By listening only to the buffooneries of satirists you regard all these things only on the side of those vices and faults, under every colour of exaggeration.

BURKE.

Ulster was the last stronghold of Celtic feudalism. What was more it had developed into something that bore the germs of a single despotism. Shane O'Neill, for a short while, held Down, Cavan, Fermanagh, Armagh and Derry under tribute, and all Tyrone in demesne. The "flying out" of Hugh was an effort to cement this loose hegemony into an autocracy, and to extend it wherever he could. His failure is the crowning proof that the day of the feudalists was gone. No man was better equipped for the task. Educated at Oxford, reared at the Court, trained in circles of which the Irish aristocracy knew nothing, he brought into this struggle a mentality as far removed from the O'Rorkes, Macguires, and O'Byrnes as a Metternich or a Talleyrand was from an Albanian Pasha.

The traditional view of this great feudal baron, that he was the exponent of Roman Catholic and Celtic septdom, has no basis whatsoever in history. Of religion he had none. For tribal rights he had overweening contempt. He was an aristocrat of that Irish feudal type which Strafford describes as "being as sharp set on their own wills as any people on earth", and which Chichester—he was referring to Neill Garve O'Donnell—summarised as "of an honest but an insatiable mind, full of vast desires". Faced with a Government which was wracked with dissensions, and which was marred with men of the most curious calibre, which was denied money

and men by a Sovereign, who always suspected the loyalty of her Deputies—"penny wise and pound foolish" so wrote one of her Ministers—faced as he was with this—at a moment when the Crown was threatened by Spain and Scotland, and was shaky, very shaky in Ireland, this great nobleman failed, and failed hopelessly. At no period had he ever a fifth of Ireland on his side for a month. He passed from the stormy stage of Irish History with dignity, but certainly not with applause. Juries of his own tenants cheerfully dubbed him traitor. The Bill of his Attainder and the Confiscation of his Estates was passed unanimously in a Parliament of the Lords, gentry, and burgesses of Ireland, "not one 'No' being heard", at the advice and request of what Philip O'Sullivan calls "the worser part of the priests". "Of this" wrote Davies, "let foreign states take notice, because it has been given out that Tyrone has left many friends behind him, and that only the Protestants wished his utter ruin".¹

Outside of Ulster the explanation of this collapse is obvious. Philip O'Sullivan ruefully gives the following account, "Most of the families, clans, and towns were divided into different factions, each having different leaders, who were fighting for estates and chieftaincies. The less powerful joined the English. On the same side were the municipalities, because merchants are not easily induced to take up arms . . . Many chiefs feared that, if these (O'Neill and his allies) conquered, themselves would be deprived of their properties". Lastly, the pious Philip alleges a cruel stratagem employed by the Government. Rebellious chieftains were always accorded a pardon by the Government, "even if they deserted a thousand times". From this last we can deduce that the slovenly and easy-going methods of the Imperial Government were preferable to the drastic activities of the rebellious Hugh, who would certainly not, if victorious, "forgive and readily reward" those who had stood in his path.² One has only to run down the list of the Generals and Colonels in Mountjoy's Army to realize that the State was able to mobilize the rest of feudal Ireland against the Earl of Tyrone,³ Clanricarde, Thomond, Dillon, Kildare, Barry, the White Knight, Magennis, Ormonde—no Ulster Confederation

1) C. S. P. 1614—516; C. A. H. p. 21, p. 21. James 1.

2) Cat. 50—57.

3) Fynes Morrison 11—85, 146, 211.

could stand against this, especially when supported by all the rivals of every Ulster chief.

Inside Ulster these considerations of course prevailed. Between 1590 and 1603 there was not a chief who did not, at some time, come in with "humble submission", and take the oaths of Allegiance and Supremacy, not one. It has been asserted that Hugh O'Donnell was an exception. But even he, the most consistent of the re-actionaries, "came in" in 1592 with "a humble submission, making a great show of sorrow for his misdemeanours, and protesting hereafter to hold a more dutiful life".¹ In 1596 he "came in again" upon like conditions.²

One of the aforesaid misdemeanours consisted in "preying Tirlagh Lynagh O'Neill's country", that irate chief calling in Crown forces, who "rescued the prey and killed some of O'Donnell's followers". Tirlagh was the O'Neill, and Hugh O'Neill was, at that moment only a minor man, but both for three years waged incessant war, though at peace, of a kind, with the Crown, Hugh O'Donnell supporting Hugh O'Neill. Tirlagh's approaching death set all Ulster in commotion.

Tirlagh was the O'Neill. By indenture, the Crown had recognized his hegemony, not only over Tyrone and Armagh, but Derry and Fermanagh. It had also passed to Hugh that old patent of Henry VIII to Conn, his ancestor, by which he held all lands of which Conn was "possessed"—a patent full of much controversy. Tirlagh's death would break this indenture, and what then?

The Crown policy was obvious, and the secret instructions to Dublin were explicit. Derry and Fermanagh were to be freed from the O'Neill Chiefries. The old patent was to be interpreted in its literal sense. "All Conn ever had was a little in demesne, though his power was by bonnaght". Hugh was to get this little demesne. Arthur O'Neill, Tirlagh's son, was to get Strabane. "Freeholders were to be created to hold by certain rents." Hugh heard of this, through his spies on the Council, and went straight into rebellion.³

Here, right at his headquarters was an incessant rumbling of

1) C. S. P. 1592—569. 2) Fynes Morrison Part 11—17. 3) C. S. P. 1592—488, 553, 573.

discontent. Men might join the rebels because they had to. Men might join them in the hopes that *Novae Res* might mean *Novae Tabulae*. Men who "daily practised change" might give them a kind of vacillating support, but, all the while, this offer stood good from the Crown, who "forgave and richly rewarded" men who left the side of Hugh. How long would O'Cahane of Derry and the Maguire of Fermanagh support his bonnacht of 2,000 men, and swordsmen were no light imposition on a respectable household? ¹ How long would they support him when the Crown, every time he "came in" imposed the condition of "not interfering with the Urriacht" i. e. these identical tributaries. At one moment he had a miscellaneous force of 14,000 swordsmen, kern, and horseboys, whom others had to feed and lodge. ² Some of these tributaries, too, were men who held themselves to be as good as he. That sapient prelate, Miler Magrath, after a cynical survey of the whole Province, laid it down as a maxim of State that "the divers competitors will be glad to have the Prince's countenance to root out the principal of the country, if good means be sought discretely". ³

If there had been no other complication, this alone would have smashed the loose Confederation. Every member of that Confederation appears at some time or other in the State Papers asking for terms. If a member was "out" his rivals appear asking for aid. Modern critics have condemned them for not being more altruistic, but modern critics live well fed and warm, with a policeman close at hand, and no man to do them harm, save an occasional burglar and rapparee. Life was more serious among the aristocracy of that period. To be a probable candidate for a chiefry meant either possessions and glory, or death at the hands of a rival, who would always plead self-protection. Feudalism in Western Europe towards the close was a very nasty business. Richard Crookback was no worse than twenty of his rivals.

It was the anarchy of feudalism that made the Tudors masters of England, and Ireland the last hope of "Arbitrary Government", the citadel of the Stuart cause. While the sordid and bloody traditions of the "Great Ones" were still in the minds of the Irish gentry, they turned a deaf—a very deaf—ear, to the rising cry of

1) C. S. P. 1594—278. 2) C. S. P. 1595—349. 3) C. S. P. 1592—500.

"Old Parliamentary Ways", Liberty, Fraternity and Equality, with their dread accompaniment of "Pallida Mors". "What danger it is before God" wrote an Irish priest in the reign of Henry VII "for the King to suffer his law, whereof he hath charge under God and the See Apostolic, to allow of these disorders so long without remedy, to suffer his poor subjects thus to be oppressed, and the noble folk of the land to be at war with the shedding of Christian blood?"¹ The Divine Right of Kings was not the invention of romanticists and divines. It was the one weapon that humanity could evolve to wear down "the man of insatiable ambition", the highwayman, the murderer, the houseburner, and the other pests of society. The title "Protector of the Poor" was inserted in the Imperial regalia at this epoch by the commonality of three Kingdoms, who wished simply to live at peace, a lowly, but not un-Christian ambition.

Tyrone contained at least a dozen great men with ardent friends, which men appear over and over again in the State Papers as fighting on the side of the Crown, or intriguing behind the Earl's back to get rid of him, and substitute their own "thralldom"—their description of his rule. This disruption in Tyrone shows why it was that men supported a Plantation, in which every one of the aristocracy had "a fixed estate". If we remember that not one of Tyrone's rivals had "a certain estate", but were subject to his "cuttings and spendings", and martial law, we can understand why the majority hailed with joy freeholds of a thousand acres, though, of course, there were some—those with hopes and ambitions—who could never quite be reconciled to a new order, in which the chances of each one of being Lord of all Tyrone, Derry, Fermanagh and Armagh, were destroyed.

The reigning O'Neill dynasty was descended from Owen O'Neale who flourished in the reign of Henry VII. From him sprang five branches, each one of whom challenged the supremacy. The first was Owen McHugh Neale Moor. This branch settled in Antrim and Down. There were four sons, two of whom became proprietors across the Bann in the reign of James. Neale "offered to serve" against the Earl, and was "the first gentleman of account

1) T. C. D. F. 3. 16. p. 46.

that came in from the traitors". He commanded a troop of 100 horse in the State standing Army.¹

The second branch was Turlough McHenry, Lord of the Fews. He "flew out" at first with the Earl.² In 1600 he "came in, without any conditions".³ He was a tributary of the Earl's, reigning over a large portion of the Archbishop of Armagh's lands, in addition to the Fews. King James granted him full rights over the Fews at a rent of 40s. This comprised 9,900 acres.⁴ As compensation for the loss of his rights over the Church Lands his two sons received 240 acres plantation measure in the Plantation.⁵ He was a candidate for the representation of the County in 1613. In 1628 he was allowed to create a Manor.⁶ He is described in Mountmorris' secret service report as "powerful in Tirone and Armagh, and should be looked after".⁷ He died in 1639.⁸

The next branch in seniority was that of Turlough Brasilogh. Turlough had six sons, every one of whom were in the Royal Army.⁹ "This Turlough", wrote the discerning Miler, being "uncle to the late Shane O'Neill, has many sons, and thinks he has the best right, being eldest of the House. The Earl is thought by the Irish to have his nomination rather by the Government than by right after the manner of the country".¹⁰ Two of these sons received respectively 125 and 60 acres in the Plantation.¹¹ The others seem to have vanished in the wars.

The next branch was the numerous progeny of Shane O'Neill, the Earl's deadliest enemies, all countenanced by the Court. One Hugh captured and hung as a terror to all who intrigued against him.¹² Two were taken by the Deputy, and locked up for future use, and for their own good. Foolishly they escaped and fell into the Earl's hands, who also locked them up. They escaped from him and allied themselves to Mountjoy, who planted them for a while on the south of the Blackwater with all their numerous following who had rushed to their banners.¹³ Chichester said that the eldest "had many depending on him", and gave them each a

1) C. S. P. 1604—186; 1595—412; Fynes Morison 11—7. 2) C. S. P. 1594—236. 3) Fynes Morison II—91. 4) P. R. J.—198. 5) Erke I—171; C. M. S.—236. 6) C. S. P. 1613—361; 1628—412. 7) C. S. P. 1632—689. 8) I. I. Armagh No. 36. 9) Fynes Morison II—7. 10) C. S. P. 1592—497. 11) C. S. P. 1611—206. 12) Fynes Morison II—9. 13) Fynes Morison II—237.

pension of 4s a day, strongly recommending them for a grant.¹ On the collapse of the Earl these two wrote to Cecil "Your noble father was our chiefest patron under God and Her Majesty. Much we would have done but for our restraints. We think we have right unto much lands".² For some time they were settled on Maguire's land with their cattle, and, on the escheat of that county, they procured a rebate of rent "owing to their quality".³ Conn, the eldest, received 1,500 acres in fee simple in that country, built a large house, and made three of his tenants leaseholders.⁴ Sir Toby Caulfield, with whom they were on considerable terms of intimacy, gave him and his brother each a freehold of 960 acres in Derry, where he farmed a large area.⁵ Henry, who was specially recommended by Chichester received 1,500 acres, Plantation measure, in Armagh.⁶ He died shortly afterwards and left his estate to Sir Toby.⁷ Before his death, however, he contested County Armagh, along with Sir Tirlagh McHenry against Sir Toby Caulfield and Sir John Bouchier.⁸ After their arduous and tragic lives, the two sons of Shane seem to have fallen on good and peaceful times.

The next line was the Earl's. His eldest brother was slain by Shane O'Neill. His youngest Cormac was saved by the Crown from the wrath of that great Lord.⁹ If Cormac is to be believed, his brother was jealous of him, "lest he should grow to be greater than him and had therefore suppressed him and his tenants", which plight he described as "slavery, continual wrong, and indignities".¹⁰ The Government, however, refused to trust him, not knowing what subterranean intrigue there was between him and his brother, and he was despatched to London where he remained. What made them suspicious was that his son had fled with the Earl, and that he, though he knew the Earl was going, did not report it in sufficient time to stay his departure. His wife received a life interest in a plantation allotment.¹¹ Another brother Art McBaron had left the Earl and joined the Crown at a very early stage. He received 2,000 acres for himself and his wife during their lifetime in Armagh.¹²

1) C. S. P. 1603—384, 255. 2) C. S. P. 1603—18, 3) C. S. P. 1611—57, 539.
 4) C. S. P. 1619—219; C. M. S.—401. 5) C. S. P. 1612—273. 6) C. M. S.—54, 235.
 7) C. M. S.—418. 8) C. S. P. 1615—438. 9) Fynes Morison II—7. 10) C. S. P. 1607—315. 11) C. S. P. 1610—53. 12) C. S. P. 1611—205.

The last branch was Tirlough Lynagh's. His son was Sir Arthur. Sir Arthur was on the side of the Crown all during the rebellion with three of his sons. He was slain in the wars. Tirlagh his eldest son, who was a captain in the Queens Army, drew a pension of 3s 4d a day, and, when the Earl came in, the Crown stipulated that he should have at least 1,000 acres.¹ He, however, had some of his father's indentures, and was suing the Earl for a further estate of 11,000 acres, when the Earl fled and a state of Civil War arose again.² Chichester placed him and his brother in possession of a fort and 3,000 acres.³ When Sir Caher O'Dougherty "flew out", they rendered exceptional service, and, on the plantation being perfected. Tirlough received 3,000 acres, and his three brothers 500 acres each.⁴

Another member of this branch was Sir Henry Ogue O'Neill who from the very day the rebellion broke out, flung in his lot with the Crown. All the "Ogues" hated the Earl with a deadly hatred. Their feud with him was a recognised feature of Ulster politics. They, "the Quins, the Sluyte O'Neiles, and the O'Neiles of Cloghan ever did, and still, as much as in them lieth, oppose Tyrone and his sept".⁵ Before the Plantation Sir Henry received 3,000 acres in the County of Armagh, and another 2,500 in County Tyrone.⁶ Hugh O'Neill complained bitterly of this patent and of certain "intrusions" Henry Ogue had made.⁷ Sir Henry and his eldest son were killed in trying to quell the "rising out" of Sir Caher O'Dougherty, a disaster which Chichester deeply lamented, as Sir Henry Ogue was the greatest pillar the State had in Ulster, save perhaps Henry O'Neill of Antrim. "Sir Henry Ogue" wrote Chichester, "was a loyal subject and orderly lord."⁸ Immediately a minor O'Neill gathered a multitude and claimed the whole estate by tanistry. The Crown suppressed him and installed the heir at law, then a boy, by name Phelim, of unhappy memory. The authorities, however, were so alarmed at the prospect of a boy keeping that area in order, that they decided to distribute the estate among the relatives. Katherine Mary Neale, the mother of the heir, was given the use of 1,500 acres for ten years

1) C. S. P. 1605—319, 493, 186.

2) C. S. P. 1607—281; 1610—560, 439.

3) C. S. P. 1608—61.

4) C. S. P. 1611—237.

5) C. M. S.—30.

6) C. S. P.

1610—553, 564; 1608—16; Erke I—204.

7) C. S. P. 1608—377.

8) C. S. P.

1608—564.

with remainder to the boy. She was also given a life interest in 320 acres with remainder to the son. She subsequently married a swordsman of the name of Hovenden, who was a minor proprietor in the Plantation. This meant that Phelim had no mean estate when he came of age. A court baron, a yearly fair, a weekly market, and all tolls were inserted in the patent for a rent of £ 5. The remainder of the estate was split up between all the uncles and cousins, legitimate and illegitimate. The total area—and this had nothing to do with the Plantation—amounts to 5.400 acres.¹

Warner, however, says that, on petition to Charles, this arrangement was upset, on the ground that it was based on the will of a minor. Be that as it may, in 1634 about 2.000 acres, obviously held by trustees, was passed to Bryan O'Neill, whether in trust or not for the others does not transpire.² In Armagh Phelim retained 600 acres out of which he paid his mother a jointure.³ He also passed to his stepfather another 600 acres.⁴ The Tyrone Estate, however, must have been very large. Overmeasurements in the reign of James no doubt accounted for the fact that, what was on paper, about 3.000 acres, could be mortgaged to Londonderry and Dublin Aldermen for £ 11.700.⁵ The Inquisition states that this estate covered 31 townlands. This had nothing to do with the Plantation, and is not included in its return. At a later date when the dynasty was falling, and the State in peril, Phelim might have remembered to whom he owed the estate, which he had so "bangled" with mortgages.

All this reveals something usually not understood in the dust of politics. Hugh O'Neill in his own territory was faced by a persistent and steady opposition. There was a large minority bitterly and fanatically loyal to the Crown, who sacrificed life, liberty, and property for reasons clear and obvious. In the same circle there was another and larger body of men who rushed into the fray for "particular ends", hope of novae res, fear of the Earl, and a desire "to practise change". At the first touch of actuality, the dangers, discomforts, and, above all, the fear, that he, and not they, would be the new masters, the cabal melted

1) P. R. J.—262; C. S. P. 1607—559, 560, 589, 590; 1612 - 44, 260. 2) I. I. Car. I. Armagh No. 39. 3) I. I. Car. II. Armagh No. 39. 4) I. I. Car. II Armagh No. 39. 5) I. I. Tyrone, Car. II. No. 3.

like snow. The Earl's personal following was negligible. Repeat this in the four confederate Counties, place against it the hostility of the Lords, burgesses, commons of the rest of Ireland, and we understand why the cabal collapsed.

It shows us something more. It explains the success of the Ulster Plantation. All the great men in Tyrone and Armagh became independent country squires. Something like 230 became freeholders in the Plantation, and some others received ordinary patents, like Connor Roe Maguire, the O'Cahans, Magrath and others mentioned later on. No longer was there war. No longer were they "in the thralldom" of O'Neill. No longer were they in incessant troubles with those above them, around them, or beneath them.

The clansmen too had their complaints. The close of the 16th Century witnessed the great uprising of the minor men. In the Stuart State Papers the names of the Ulster gentry are never mentioned, except when country business has to be done, levying of subsidies, or contributions, or acting as sheriff, or supervising "risings out". They either suffered the fate of all aristocracies, slow decay before more virile classes, or married into the Planter families, and appear a century later as "the Ascendancy Party," throwing forth remarkably active branches, held in great odium by the churls. In 1610 in Ely O'Carroll we catch the last rumblings of their great revolt in the point blank refusal of these native gentry to pay a most modest chiefry to young John O'Carroll, which agitation, as we know, culminated in the Plantation of that county.¹ In Ulster the incentives to this uprising were far more violent than elsewhere. The feudal aristocracy were at war one with another. The minor men could always expect and receive the support of rivals to the feudal throne, ready to promise any alleviation in their gambles for rural power. We know also to what extent chiefries had developed elsewhere in Ireland amongst men who were petty compared with the Ultonian giants. That of McCarthy More over a very potent person, O'Sullivan, is a study in feudal rights.

- (1) To aid him with all his force when required.
- (2) To pay five gallowglasses, or 6s 8d or a beef for every arable acre on the election of a McCarthy.

1) Ormonde M. S. S. I—9.

- (3) To pay 2s 6d for every boat fishing in O'Sullivan's bays.
- (4) To give horsemeat for his saddle horses.
- (5) To pay 1s 8d out of every ploughland to his huntsman.
- (6) To entertain him and whatever company he brought whenever he wished¹

What were the rents of minor men if these were those payable by chiefs? What were the rents of the Ulster Lords, if these were those of the weaker Lords of Munster. The very fact that Hugh O'Neill paid £ 2.000 a year to James as head rent, gives us some idea of what must have been his taxes on his Uriaghts and those of the Uriaghts on the minor gentry.² We know for a fact that, all over Tyrone and Armagh, he drew 4s from every cow, totalling £ 1.200 a year, and this was but one of his rights³. Feudalism had grown and grown, taxes and rights swelling to an extent that human nature could no longer bear the burden.

What brought matters to a climax was the devastating extent to which "cess" had been developed. Without this chiefs were men of ordinary wealth. With it they created a situation that turned Prince and People against them. A spy in the camp of the Confederation gives a detailed report of their armies. The force thus supported was 9.562 men, of which all but 1340 kern were professional soldiers⁴. These were supported by the tenants. They were "cessed" on the minor men. In the field it was the cows, butter, eggs, and cows of the tenants that kept this force mobile. A "butter soldier" was a stock term at that period for a soldier who got keep but no pay. The pay of a Scotch mercenary—and the Earl's Scotch forces varied from 1.000 to 1.500 men—was £ 2 a year for a halbert man and £ 4 a year for a "shot", along with his keep.⁵ What the Irish swordsmen charged does not transpire, but the pay could not have been insignificant as, if the Earl did not hire them, the Crown with its long purse, was in the market. Bingham in Connaught always employed these condottieri. These gentlemen also had to be supported by the tenants. Add to this the kern, horseboys, peaceful retinue, munitions, and bribes to other chieftains or State

1) C. A. H.—320. 2) D. H. T.—283. 3) C. S. P. 1610—532. 4) Gilbert. National Manuscripts IV—3 Appendix XVI. 5) C. S. P. 1595—412.

officials, and one begins to comprehend what it meant to be a tenant to a feudal lord who was in rebellion. This is the meaning of the constantly recurring assertion that, when a Lord "flew out", he made "all his tenants mere tenants at will." All previous agreements and customs vanished before "horsemeat and man's meat at the Lord's pleasure for what company he pleases whenever he comes", which feudal right came into full operation when the Lord was threatened by an outside force. In Fermanagh, for instance, Maguire had only a small demesne "tilled by his churls" and a "certain" chiefry of 240 beeves, but "marry in time of war he made himself owner of all, cutting what he listed and imposing as many hired soldiers as he had occasion to use."¹

Those who assume that, before the Ulster Plantation, every man had a freehold, and lived like a modern Irish farmer, can easily do so by pointing to this tribe in perpetual occupation, this indenture or that, or delve back into the Brehon Laws as expounded by bards in the prehistoric era, sweeping away all the petitions of the minor men, and all the assertions of the State officials as mere bias. This assumption of a halcyon period of Celtic happiness neglects "Bonnaght", "cess", coigne and livery. This oppressive burden, founded for excellent reasons, and maintained in default of a better, met its doom when converted into a tax for personal ambitions, and when it was outbid by the offer of Elizabeth to wipe it out once and for all, and to protect the subject by a rent of a few pence an acre.

This "cess" had been increasing and increasing ever since the days of Shane O'Neill. As one turns over the State Papers, one is aware of the fact that there was scarce a year in which an Ulster Chieftain could not legitimately say that he was at war, internal or external, with a rival, with the Crown, or along with the Crown "preserving the peace". Men holding under tenures like this were villeins. Quite apart from the right of a Lord to escheat a tenant, to move his holding, to alter it, to gavell it for good reasons, quite apart from all this, which gave rise to that "uncertainty of estates" of which we hear so much, a Lord with the right to cry "War", and to fix his tenants' contribution at what he pleased was an owner in demesne, and men, living in such

1) D. H. T.—255.

conditions for three generations, were villeins, "tenants at will", subject "to the Lord's pleasure". War taxes of such an extent fixed by an individual and collected by duress could not last. What would the English people have said if Elizabeth had pleaded the Armada as an excuse for trebling their taxation, without so much as calling her "faithful Commons"? We know how that placid race regarded Charles' very modest extension of ship-money, for which the judges said he had good justification, and were Irishmen more fond of their comfort, less conscious of their rights, and more obedient to the Earl, than the English were to the Queen? The secret intrigues, the petitions, mutinies, desertions, and general pandemonium in Ulster tell a very different tale to one who turns over the secret dossiers in the State Papers. The forces of the Crown contained many an Ulster clansman, and every rival to the Earl and his allies brought no mean following of those—the phrase is frequent—who "scorned to be thrall'd in his tyrannies."

From all this we can understand how it was that a jury in Donegal and another in Strabane, the majority of whom were the tenants of the Confederation, not only passed a verdict of outlawry on the departed chieftains, but improved on the Crown case by presenting a long list of crimes they laid to the Earl's charge.¹ Candidly they related how they gave him great titles in his presence, as "we durst not give him any other title", but now that he was fallen, and James was Master of Ulster, they were freemen, disowning the fallen dynast, and haling with joy the new order.

During all the "stirs", at all times, a careful student will note the constantly recurring phenomenon of men cheering around a revolutionary cabal, moving heaven and earth in secret to mar its success, and then, on its failure, pleading as an excuse for their former ovations that we "durst not" do otherwise. The seeming popularity of all the Irish "stirs" is superficial. A little diplomacy, scope for ebullitions, concessions here and concessions there, dissolve what at first sight seems a national upheaval, provided—and this proviso is vital—that whosoever "comes in" gets his pardon, no matter how many "painful people and good subjects he may have cut off."

1) C. S. P. 1608—390—392.

The final collapse of the confederate chieftains left the authorities face to face with a most serious problem. The class that had ruled western Ulster for centuries was extinct. Save for Conor Roe Maguire in Fermanagh, there was not a man really capable of administering any territory. The whole area was disturbed, seriously disturbed. Three generations of civil war are not the best training for good citizens, and there were, in the western counties, at least 8,000 swordsmen, unfitted for labour, and very fitted for highway robbery. It took a complete generation to rid that part of the country of bandits, loose gangs of churls under the leadership of some swordsman, who used to prowl about the hills raiding cattle, burning houses, and holding up peaceful citizens. How were these to be controlled by a State that could never afford to keep more than 500 policemen in the whole Province?

There was another aspect of the situation. If, at any moment, a Foreign Power went to war with England, all it had to do was to despatch back to these counties the exiled earls with sufficient money to hire swordsmen, and the whole business would start over again, because, unpopular and hated as the Earls were, every man, dissatisfied with the status quo. and all those with nothing to lose and hopes of loot would rush to their standards.

Lastly there was the eternal question of the churls, the servile population. To divide Ulster between all the gentry of the septs, giving each a scope, and, it is very doubtful, if there were 500 of this class left, was only to postpone for a few years another outbreak. There were very few in the position to settle down as large farmers, employing the churls, and creating a standard of civility such as prevailed in Munster. True it is that of cattle there were plenty. Of tillage here and there, but only here and there we catch glimpses. These Ulster wars also had devastated the country. Page after page of the State Papers report burnings and devastations for 20 years, committed either by chieftains on each other, or by the Crown forces on them and their tenants. Fynes Morrison's tour in Ulster is one long screed of woe, famine, and pestilence. "Depopulated Ulster", wrote Blennerhassett, "has been delivered from a usurping tyranny and a lamentable captivity. Despoiled, she presents herself in a ragged, sad, sable robe. There remaineth nothing but ruins and deso-

lation, with a very little show of any humanity. Goodly Ulster, for want of people, unmanured, her pleasant fields and rich grounds, they remain, if not desolate, worse."¹

What future was there in store for a country such as this, if the Crown simply distributed huge scopes among the relics of the reigning families, whose rule had ended in this? They had neither capital nor traditional industry to raise the devastated area to a higher level. The utmost they could do was to leave their estates to the churls for grazing, drawing so much a cow per annum for rental, nurturing a population of cowherds, ripe for any mischief, and of other churls, non-owners of cows, sometimes unemployable and certainly unemployed. The State adopted this policy in Monaghan. Every clansman received a scope. Save for the estates of the Earl of Essex and Lord Blayney, there was not a Planter in the whole county. What was more, lands were given to those of "mean quality", i. e. non-clansmen, churls, villeins, and "nativi". The result was disastrous. No borough rose to absorb the industrious population. It is described in 1641 as "the most barbarous, poor, and despicable county in the Kingdom".² Its valuation for subsidies is 50 % lower than those of Cavan, Fermanagh, Tyrone, and Armagh, Londonderry, the worst county in Ireland, being alone, in Ulster, below Monaghan.³ So far too from this policy of giving every man a scope producing peace and contentment, in 1641 Monaghan, in which there was no Plantation, and a multitude of native freeholds had the proud record of producing some of the ghastliest depositions in the emeute of that year.⁴ Those who are apt to ascribe the rising in 1641 to "dispossessed natives recovering their own", would do well to realize that the churls in Carrickmacross slit the throats of 40 respectable citizens in one night, citizens who had come in and purchased lands from the natives. A policy of small native holdings, without the introduction of capital and civility, resulted in nothing but grazing tracts and nomad cowherds, ready to fly out because they had nothing of importance to lose. Any "discontented gentleman" had thus always at his doors an unsavoury weapon with which to vent his wrath on the State, or "the painful people".

The policy on which James at last decided was the creation

1) R. I. A. P. I—13.

2) C. S. P. 1641—278.

3) C. S. P. 1625—1660

—231.

4) H. I. M. I—188, 189, 190, 191, 207—214.

of a large native squirearchy out of "fit freeholders", the introduction of a large number of servitors—men who were experienced in the district—who would employ the churls, if the native gentry declined, and finally, the planting of Planters, bound by rigid tenures to develop their estates and to bring in colonists. The plan was partly a success and partly a failure. It was a success where the original plan was fully carried out. It was a failure, where official laxity allowed abuses to develop. The Ulster Plantation has been so obscured in religious and political polemics that few have ever noticed the ease with which it was adopted. Suffice it to say that, if it had been based on injustice and confiscation, it would not have lasted 24 hours. All Ulster would have blazed up in rebellion. Why is it that Ulster lapsed into dead quiet till 1641—till that generation had died away—and that then the rebellion, which synchronized with a wave of revolution in Scotland and England, broke out with even worse ferocity in Counties like Monaghan, Mayo, and Down, in which no Plantation had occurred? In order to comprehend the politics of 1630 to 1641, it is necessary first to understand where the Plantation had made men contented, and where it had made men dissatisfied.

Six counties came under the new compulsory powers. The old Earldom of Ulster and the original attainder of Shane O'Neill gave the Crown legal powers over certain large tracts. The attainder of the Earl of Tyrconnell, the Earl of Tyrone, and Sir Cahir O'Doherty brought in those areas passed to those men by patent. The demise and attainder of successive O'Reillies brought in Cavan, and the surrender by Connor Roe Maguire of his patent for all Fermanagh gave the authorities full legal power to pass patents in that Country. The result was that the Crown could now pass patents on conditions to Donegal, Derry, Armagh, Tyrone, Cavan, and Fermanagh. Antrim, Down, and Monaghan were passed on a policy of surrender and regrant. What is called the Ulster Plantation only applies to this first six.

Loose criticism has called the escheat of these six Counties "confiscation of native freeholds". It can never be too clearly emphasized that these Royal Titles to whole Counties were really a vesting in the Crown of Compulsory Powers for good reasons. The juries that passed the titles were the leading men of the County, anxious once and for all to have titles made secure, by

vesting in the King the dormant over lordship, just as, during the 19th century, Parliament escheated four fifths of Ireland for a similar purpose. The names of the Jurors, their rank, quality, findings and subsequent treatment are all on record, and whosoever enacted the Plantation of these counties, it certainly was not a military despotism of English officials, but Irish Clansmen, many of whom had been in rebellion.

The second consideration worthy of note is that till these titles were found, native freeholds were few and far between. The *raison d'être* of the new order was fixed estates descending from father to son at a few pence an acre for the major gentry, leases beneath them, or beneath the Servitors for the minor gentry, leases either from them or on the Church Lands for lower substrata, leases also under those who received patents without Plantation Covenants, and finally an end to "cess", Coigne, Livery, and the Arbitrary Government of the Chiefs, serfdom being definitely abolished, "custom", corvee, and "uncertain exactions" being illegal, and finally civil rights guaranteed to all subjects in His Majesty's Courts. This is why it was Irish Juries that found these titles and surveyed the Crown demesne, why it was the Irish Parliament that legalized all patents so created, and why the Ulster Plantation was regarded as a new Heaven and a new Earth by the generation of that day.

This is clearly the correct solution of the difficulties of this period. There is not a complaint on record of confiscation. Ireland was singularly prolific in complaints at that period. The Recusant Gentry in 1614 never mention it. The "complaints of the Kingdom" in 1622 only complain of the "passing" of the mountain tracts from the Planters to patentees. The "Graces" agitation only asked that the natives could be tenants to the undertakers. Finally the Manifestoes of the rebels in 1641 never ascribe their "flying out" to the Plantation or to confiscation. All they complained of was—and this was a minor complaint—that, in the Plantations, natives were not allowed to "buy land" from the undertakers.¹ There is not a complaint of unfair treatment made in a single petition by the generation of that time, and this is all the more significant as Ireland is described at that time by an Irishman as "most trouble-

1) C. S. P. 1641—345; C. A. H. App. III—5.

some and chargeable to the King in infinite suits and complaints", not one of these being "confiscations" in the Ulster Plantation.¹

On this large demesne accruing to the Crown a survey was made and a vague and inaccurate estimate of what might be done was despatched to London. A subsequent survey by an Inspector of the name of Pynnar gives a smaller area, but the discrepancy is due to the fact that Pynnar only inspected the largest holdings, to see if the larger proprietors had carried out their Covenants. The estimate runs as follows.

	Acres.
British	162.000
London Corporation	47.300
Episcopal Lands	76.113
Trinity College	9.600
Schools	2.700
Church Lands	21.641
Servitors and Natives	116.330
Abbey Lands Leased	21.552
Patentees and Forts	38.214
Corporate Towns	888
Connor Roe Maguire	5.980
Certain Irish Patentees	1.468.

The total—it is inaccurate—is 511.465 acres.²

The very first thing one notices is that this area is but a seventh of the six counties. The first explanation is that this is but Plantation measure. Every estimate has to be doubled. Even then something like three million acres are missing. The explanation of this too is obvious. The Commissioners, at the beginning, had no desire to parcell out every acre, accurately jostling one man against the other. They simply took the arable and good lands, and passed a pile of patents amongst the applicants, for one man here and another there, with gaps in between. It is not till we examine the Patent Rolls that we find a vast discrepancy between the Plantation returns, and the patents as poured out to all comers. The native patentees alone are worthy of study. Connor Roe Maguire received a pension of £ 200 a year, a market and fair, coupled with other manorial rights, and an area which on paper

1) T. C. D. F. 3. 16.

2) C. M. S.—235.

amounted to 6.480 acres. In fact, however, so loose was the "general wording of his patent", and so vague the phraseology that it must have covered over 20.000 acres.¹

The following patents, which were really recognitions of old indentures in Londonderry, also show how dangerous is the assumption that the original Plantation estimate covered the whole area. These patents are of the more importance because it is generally assumed the London Corporation were granted all Londonderry. We know that the Bishop, Castlehaven, Docwra, and Philips all had scopes. We find too that the following had estates, and the following are not mentioned in the Plantation Surveys.

	Acres.
Earl of Antrim	8.000
Richard O'Cahan	2.600
Daniel O'Cahan	1.000
Gorry McHenry O'Cahane	540
James McHenry O'Cahane	60
Minor O'Cahans	3.600. ²

The maps of that country also show that, so far from all Londonderry being passed to the London Corporation, a long semicircular strip at the South was never patented. "It was well fitted" said the Commissioners "that a good Plantation were made at the foot of Sleoghgallen."³

In Armagh the following non-Plantation grants emerge.

	Acres.
Sir Tirlagh McHenry O'Neill	9.900
Sir Henry Ogue and Children	5.600 ⁴

(This was Phelim's estate which we know really covered 31 townlands in Tyrone and about 2.000 acres in Armagh.)

Patrick O'Hanlon	1.440 ⁵
Redmond O'Hanlon	900 ⁶
Patrick McKerney	500 ⁷
John Dillon	300 ⁸

1) P. R. J.—232; C. P. B. LXIV—478. 2) Survey and Redistribution.

Londonderry; I. 1. Car. I. Londonderry. Nos. 2 and 3. 3) Gilbert. Irish Manuscripts. LXXXVIII. vol. IV. pt. 4; vol. IV. pt. 2. plate XLII.

4) Erk. I—204, 171.

5) P. R. J.—156. 6) C. S. P. 1610—555. 7) P. R. J.—197. 8) P. R. J.—324.

These are but some of the patents that sweep away all the old theory that the natives were confined to 100.000 acres and all the rest of Ulster divided up amongst the swaggering Englishmen. On the borders of Tyrone and Fermanagh, for instance, James Magrath passed at least 15.000 acres with "license to divide the premises into precincts of 1.000 acres, that each may become a manor with a demesne of 300 acres or thereabouts".¹ This looks like one of the "in trust" patents for subdivision among others.

As one turns over the patent rolls one can encounter grant after grant to all sorts and conditions of persons, over and above the special patents of the Plantation.

Another circumstance which seems indigenous to all Irish administration is the over measurements. The patents were passed in a hurry. The Executive was going through one of its perennial spasms of trying to satisfy everyone. In fact the letters of all men in authority are those of people basking in popularity, lashing around estates to all and sundry. In such an atmosphere of geniality and generosity, wine and conversation, conversation and wine, "endearing the King to his subjects", it was considered the acme of bad taste to raise legal punctilios over phrases of "general words". An honest gentleman would apply to have an Island added to his 500 acres, he being addicted to trout fishing. The words "and the adjacent island of Ballybough with the fishing thereof" would be genially added, amidst mutual compliments, there being no other claimant, and hey presto, for no additional rent, the good man could get a handsome little grazing tract with a valuable fishery attached. The prime gentlemen of the Septs would be much amazed, if they heard that two centuries later their sufferings and confiscations were a theme for dirges, lamentations, and angry speeches. Everyone did very well out of these over measurements. Connor Roe Maguire's patent is a miracle of ingenuity. Phelim O'Neill's patent must have been very loosely drafted. An anonymous screed of woe in the Trinity College library gives a ludicrous account of certain of these transactions.² At the prosecution of the London Corporation before the Star Chamber the horrified judges were treated to the following exposure. "The surveyor, Sir Wm. Parsons, cast up the particulars

1) P. R. J.—187.

2) T. C. D. F. 3. 16.

of 44,000 acres by balliboes (i. e. 120 acres) but these, rising from 60 to 160 acres, he took them at the lowest rate. They passed the Country by balliboes. The balliboes were estimated at 60 acres, whereas some were 160, some 500 and some 1,000 acres, and, so by true computation, they came to 250, 276 acres, as Raven, their own Surveyor, offers to make good upon his life. The King shall get £ 5. 6. 8 for every 1,000 acres. Of 150,000 acres—excluding bog and mountain—he should have £ 800 a year. He gets only £ 200, so that in 24 years he has been defrauded £ 14,280.”¹ On this area, which is usually assumed to be forbidden ground to the natives it was specially stipulated that “the better sort” should get freeholds as Servitors, and the Commoners plots at rents fixed by the Deputy.²

The Dublin Officials had but the haziest notion of the vagaries of rural balliboes. He who cares to examine the Plantation patents will notice that they are all based on balliboes. Strafford put this widespread performance—everyone was in it—in scornful and irate language. “In the over measurements of their proportions and in the tenures, the Crown hath sustained shameful injury by passing in truth ten times the quantity of land expressed in the patents, and reserving throughout base tenures in soccage.”³ And yet Sir Wm. Parsons from his Survey Office in Dublin was quite confident that “the Plantation was despatched with a great deal of pains, and—though I say it—with dexterity. There are but few errors”.⁴ So far too from these over measurements not effecting native freeholders, as is supposed, not only were the native freeholders the chief beneficees, but the worst sufferer was the Church, whose rectories and advowsons vanished into thin air, when the Plantation was perfected. This was a confiscation, however, of which no one cared to speak, and it was one, which made Charles and Strafford regard officials like Parsons, syndicates like the Northern Corporations, and certain of the undertakers with a contempt bordering on contumely, when they lifted up their voices over “the endowment of prelacy”, and the need for a simple Church as poor as the early Apostles.⁵ On Strafford’s downfall a ferocious diatribe was presented to the King “on behalf of the

1) C. S. P. 1625—1660—196. 2) C. M. S.—50, 53. 3) L. S. I—132. 4) L. P. 2. s. I—161. 5) T. C. D. F. 3. 16.

Lords and Commons of Ireland" relating how by "tyrannies and intimidations" he increased the rent of honest men in Ulster, and actually caused "the rents of many of the natives to be raised", whereby the Kingdom of Ireland suffered much injustice, and demanded as a recompense less rent and Strafford's head.¹

The discrepancy between the 500,000 acres allotted for the Plantation, and the 4,000,000 acres of the six escheated counties is thus explained by previous patents, subsequent patents which had nothing to do with the Plantation, the fact that the acreage was Plantation measure, and not Statute acres, and finally the grotesque overmeasurement of the proportions, whereby balliboes of 500 acres were estimated in calculations at but 50. A certain school has evaded all these considerations by assuming that the Plantation patents only involved arable lands, and that mountains and bogs were thrown in gratis et sub silentio. This theory is based on the assumption that the scrivenry of patents enabled such a thing to be done. There is no such thing in patent lore as a patent for one thing covering another by inference.

The real facts of the bog and mountain land are as follows:—After all the estates had been parcelled out James ordered the Council to report what "mountains, mountain lands, bogs and woods" were not passed to Bishops, Undertakers, Servitors, natives or others. In all the six Counties, except the Derry, Inquisitions were held. One or two Undertakers or officials sat on each. Otherwise they were manned by the native gentry. The tracts so reported as escheated, but not passed, were enormous. They seem to cover not only all the waste land in the six Counties, but some large slices that we regard as arable. The one exception is Cavan. Here only one mountain was unpatented.² In or about the same time Captain Sandford was granted a letter passing the mountain tracts to him, as a reward for having gathered together the swordsmen and led them to Sweden and the service of Gustavus Adolphus.³ In the same year, 1614, a patent was passed to Sandford for all "the unpassed Mountain bogs and woods" in the six counties, except Londonderry, but with Monaghan, at a rent of £ 23.⁴ In 1621 "the Grievances of Ireland" were transmitted to London. They were

1) O. S. P. 1641—272.

2) I. I. Ulster Appendix.

3) C. P. B. VII—270.

4) P. R. J.—257.

the outcome of a "Parliament", one of those general conclaves of rural potentates, the Government used to summon for general business. Among the complaints is one of 'the freeholders of the champion of Ulster'. They complained that the mountains which by custom and not by patent, they "had always enjoyed" were now in the hands of other persons.¹ Sandford's patent was "passed" then to Sir Toby Caulfield, on the Commission of Concealments, which meant that he was to compound with 'intruders'.² It is sufficient to say that the name Sandford seldom occurs again. All we do know is that his children held a few hundred acres in Donegal.³ Bramhall compounded with them for a Rectory which was on their estate.⁴ At a later date, 1623, another Inquisition reported that all the Donegal mountains, bogs, and woods, and some arable tracts had, up to that date, never been passed.⁵ This last Inquisition makes it more than probable that the Sandford and Caulfield patent did not operate in at least one county as regards concealments. It is sufficient, however, for our purposes to notice firstly that the Plantation patents did not cover the wastes, and secondly that there were large tracts in Ulster unpassed and unpatented in 1623.

The importance of this disclosure is that it reveals straight away what had occurred. For an enormous area there were only a limited number of claimants. The best lands were parcelled out first. Then there was a cessation of the rush. Whole districts like South Derry lay on the Commissioners' hands. A quarter of a million acres in County Derry could never have been passed by such methods, if there was anything like a land hunger. Up to this time the wars had been between great feudal personalities for "coshering rights". When they disappeared the ferocity for territory vanished. Minor gentry were amply satisfied with 600 or 1,000 acres free of "cess". It was certainly as much as they could handle. When we pass from them to farmers who, for the first time in their lives, got long leases of Church, Abbey, Servitor, and patentee estates, one understands why it was that men passed whole baronies of waste territory without anyone complaining. We must remember too, that these patentee estates, having nothing to do with the Plantation proper, were very many. Sir Thomas

1) L. P. II. s. III—140. 2) T. C. D. F. 3. 16. 3) I. I. Car. I. Donegal. No. 27.

4) C. I. vol. XII. 5) I. I. Jac. I. Donegal. 1623. No. 14.

Philips had a large estate round Limavady.¹ The Bagnalls had an ancestral estate of 8,000 acres in South Armagh.² One of the Waterford Dowdalls had an estate in Cavan before the Plantation was ever heard of. So too had Lords Slane and Fingall. The former's estate covered a whole barony.³ Two swordsmen, Fleming and Tyrrell, had purchased large tracts before the Plantation era.⁴

In fact what with abbey leases, feoffments, and mortgages the chieftains and freeholders of the Tudor Period had created a large number of freeholders whose titles stood good, and were either recognized by Inquisitions, or came under a surrender or regrant. For instance, Hugh O'Neill had made four long leases of certain of the Abbey lands in Derry.⁵ Rory O'Donnell's conveyances before the Plantation to Dublin money lenders left no small tract outside the power of the Crown. He had "blistered" his huge estate so badly that his revenue was only £300 a year.⁶ These, though "void in law" could not be escheated nor re-allotted on the grounds of public policy.⁷ The Bill of Attainder against Hugh O'Neill was accompanied by a special Act of State guaranteeing all these previous sales, mortgages and feoffments.⁸ A striking example of this is a mortgage, held by Alexander McAulee on Tyrconnel, being regarded as a good title to the land.⁹

This is the explanation of the large number of owners who never figure in the Plantation patents, but who appear in the Inquisitions as "possessed" before the flight of the Earls, and yet remaining "seised" in the reign of Charles. In fact, all the old traditional stories of the Plantation vanish when the system is probed. There was no system. The "prime gentlemen" got handsome estates, and they vanish from the scene. A large amount of old titles were also recognized. A flood of patents and compensations are poured over the Province. A large number of minor gentry become freeholders or leaseholders under patentees, and native Ulster relapses into quiet for a generation. The beautiful plans of James were much contorted in Ireland by laxity, rule of thumb methods, and a certain casual policy of taking the line of least resistance.

1) C. S. P. 1625—1660—211. 2) I. I. Armagh. 3) I. I. Cavan. Jac. I. 1625; P. R. J.;—145, 238. 4) S. P. 1606—565; P. R. J.—10, 134. 5) C. S. P. 1610—565. 6) C. S. P. 1604—469; I. I. Appendix. Donegal. 7) C. S. P. 1610—571. 8) C. S. P. 1614—508, 522. 9) M. P. R. Charles.—147.

Chapter II

THE UNDERTAKERS

With them it is a sufficient motive to destroy an old scheme of things because it is old. They always speak as if they were of opinion that there is a singular species of compact between them and their magistrates, which binds the Magistrate but has nothing reciprocal in it, but that the Majesty of the people has a right to dissolve it without any reason but its will. Their attachment to their country is only so far as it agrees with some of their fleeting projects.

BURKE.

We now turn to the Undertakers. This unfortunate class have been regarded in orthodox history as beetle browed tyrants, Protestant prototypes of the Inquisition, who drove all the Irish to the hills, seized on their lands, and thirty years afterwards met the fate they deserved. I have yet to meet in all the documents of the period a single man whose estate was taken away and presented to a planter, he getting no estate elsewhere, or no adequate compensation. The generation of that day regarded the Plantation as a modern generation regards a largesse from the taxes. No cess! No feudal rents! Estates for 2d an acre! Long leases going a begging! What more could man want?

To understand how room was found for these Undertakers we must realize that, in fact, as well as in theory, the King was now the Overlord of Ulster. Men regarded him quite as much as a head Landlord, as do the tenants on an estate to-day. This being so, was he not entitled to a demesne? Hugh O'Neill seems to have held all Tyrone in demesne. Was not the King entitled to a portion? Davies put it not inaptly. "Twenty years since Sir John O'Reilly, being then chief of Cavan, the inhabitants agreed that he should have two entire baronies in demesne, and 10s out of every poll in the other five, which is more than His Majesty, who hath a title to all the land in demesne, as well as to a chiefry,

had now given to Undertakers or reserved to himself.”¹ Tyrconnell in 1608 had made all the inferior Lords tenants-at-will in law and in fact.² Tyrone, who by indenture had only a chiefry of cows and a “rising out” from all Londonderry, actually sought to make all that County demesne, with full right to charge whatever rent he pleased. This rent he tried to collect both by force and petition to the Council.³ If these Lords could assert such claims, seriously, in the face of the whole Kingdom, could not the Sovereign overlord, whom the whole area had acclaimed as owner in fee and demesne, reserve part of the country as demesne for himself, charging the outlying tenants but a few pence an acre, and no Coigne, Livery, or Chiefry? When this was achieved, without taking from any man his own, it became clear equity. If James had put the tracts he claimed for demesne up for auction, or mortgaged them to money lenders, he would have been doing what Tyrconnell did. When, however, he let them at specially low rents to men who developed the estate, out of whose activities the neighbouring tenants benefited, his action was regarded with as much equanimity as that of a modern landlord, who presents a waste tract to a factory owner in the hope of developing the area.

It has been assumed that the six counties were thronged with small holders who were displaced. The population of Ireland in 1618 was only 500,000.⁴ This may appear a startling estimate, but it is borne out by all other estimates. Blennerhasset in 1610 put it at very much the same figure.⁵ Irish counties at that time were very thinly populated. Peaceful Clare in 1640 contained only 440 English and 1647 Irish.⁶ In 1652 the total population was but 850,000.⁷ This was, of course, after a devastating war and another colonization, but if we allow for a large immigration between 1620 and 1640 it is doubtful if the population of Ireland was a million in 1640. Every document of the period bears out the sparse population. Perrott says that in his time “scarce one fourth of Ireland is at this hour manured”.⁸ Cavan was the only populous County of the six, and even there “the natives were

1) D. H. T. I—283. 2) C. S. P. 1610—570. 3) C. S. P. 1607—156. 4) Ven. 1618—557. 5) R. I. A. P. I—13. 6) T. C. D. I. 5. 27. 7) P. P. S.—154. 8) R. I. A. P. IV—3a.

not able in people or worth to manure the half". This was the county, in which most natives got freeholds or patentee estates, only one barony being reserved for undertakers.¹ The "most part" of that country was retained by native freeholders or mortgagees.² Davies says that Sir John O'Reilly had kept two baronies in demesne, but Chichester states that he had really retained four, so that the Crown escheat of one was not so drastic as at first appears.³ In Donegal Chichester states that the freeholds given to the heads of the McSwineys—and they were large freeholds—were more "than they and their septs will be able to manure in forty years".⁴ In Tyrone and Londonderry there were only 5,000 "men able".⁵ Eleven years later, after a long peace, a census of the county and the two cities gives the native tenants at 2,324, the woodkern at 300, and the servants and "young men living with their parents" at 1,400.⁶ All this reveals a very small population in Ireland, especially in Ulster, "depopulated Ulster that for want of people remains, if not desolate, worse".⁷

It is very difficult to get any explicit information as regards numbers of freeholders by tanistry, save in the case of Cavan, which Chichester regarded as the one County in which freeholders had survived feudalism, but a resumé of the Inquisitions of Leitrim gives us some idea how freeholders had either been suppressed during the centuries by the Lords, or had been destroyed in the stirrs. "The present wasteness of that country proveth both the facility and the necessity of a Plantation."—So wrote an official to the King.—"For when it was given in charge to the inhabitants of O'Rorke's country to present how many persons they could find there were fit to be freeholders, they presented no more than 42 persons, which is about 8 persons a barony, and, therefore, since the country people are not able to inhabit the tenth part, it were miserable to leave unto them the other nine parts in an age so flourishing of people and so scarce of land."⁸ On the other hand County Monaghan in 1585 contained 200 freeholders. It, as we know, was not planted. Fermanagh in 1605 contained only 41 freeholders. The importance

1) C. S. P.—1608—55.

2) C. S. P. 1606—565.

3) C. S. P. 1606—561.

4) C. S. P. 1608—57. 5) C. S. P. 1609—159. 6) C. S. P. 1622—377. 7) R. I.

A. P. I.—13. 8) Buccleugh M. S. S. Montague House.—76.

of these two inquisitions is that they show that where the chief was a "great one" there were few freeholders, and where there were only several minor chiefs, the freeholders were many.¹ When the "prime gentlemen" of the septs were given portions "according to their quality", portions which were as much as they could "manure" and which seemed like opulence when free of "cess", there were left the large demesnes of the extinct feudal houses, the large grazing tracts over which no one had a fixed estate, and on which creaghts roamed for a tribute to the chief, and dotted about these were scattered colonies of serfs,—*"nativi"*—who could be bought and sold as chattels by their betters, and had not even those "transitory and scrambling possessions" of the clansmen. "Some men of civility" said Chichester "should be seated among them to instruct and defend them. It is death to the great Lords that their tenants should know more than brute beasts, by reason their greatest advantage of profit in time of peace, and opposition in days of rebellion ariseth from the ignorance of the meaner sort."² A discerning stranger one time noted that "the wiser sort think the churls best for the public good, making them peaceable, as nothing sooner makes them kick against authority than riches".³ The Irish Lords held firmly by this theory and, in the Stuart times, frequently warned the Government that the policy of uplift for the churls would cause many misfortunes. An Englishman, however, reforming the world seldom pays head to such warnings, and goes blundering on his way to the confusion of others who suffer for his abracadabra.

It is accordingly doubtful if there were 500 clansmen in the escheated counties outside Cavan. Certainly, accordingly to the depositions, only about 30 took part in "the rising out" of 1641, whom the deponents of the depositions marked with the epithet "*gent*". All the others are "*labourer*" and occasionally "*farmer*". Davies, contrasting the mentality of the Cavan freeholders with the inhabitants of Fermanagh and Donegal says that the former "had learned to talk of a freehold, which the poor natives of the other counties could not speak of".⁴

The whole idea of Planters was that where planters came their neighbours prospered. Their capital, their methods, the sense

1) I. I. Surveys of Monaghan and Fermanagh. 2) C.S.P. 1606—562. 3) Fynes Morison III—160. 4) D. H. T.—277.

of security they introduced, produced what modern economists called "site value". Modern Colonial Governments spent millions on alluring a similar class of men into their wastes. "Half your land" said Davies "lies waste because that which is habited is not improved to half its value, but when the undertakers come—there being place and scope enough both for them and you—500 acres will be of better value than 5,000 now."¹ These undertakers had no light task. Half the confusion as regards their position is due to a belief that they took over a modern tract of Irish country-land, with roads, railways, markets, ditches, tilth and population as it is at present, opened a rent office, and relapsed into a suburban villa. There is not a mention of a road in Ulster. "In Fermanagh we found no manner of town or other civil habitation".²

The conditions under which these undertakers entered were onerous. They had to pay a rent of 1d an acre. A holding of over 2,000 acres was held under in Capite tenures. Such a tenant had to build a Castle with a court and a moate. If he held 1,500 acres he had to build a stone house. This house had to be two stories high.³ He had to purchase arms and equip his tenants. He was tied either to residence for five years, or had to employ a suitable agent. For five years he was forbidden to alien a third of the estate, and the other two thirds could only be aliened by sale or a lease of 40 years. Connacre leases were absolutely forbidden. No such thing as a tenant at will or a short lease was allowed, nor any "uncertain rent". Lastly they had to import ten families from England or the civilized parts of Scotland. The type of settlers who came into Down were debarred. These were regarded "as more trouble and less profit" than the worst of the kern.⁴ All this had to be done under a bond for £ 400 and a clause of forfeiture.⁵ The servitors had lesser covenants, and the native proprietors were only ordered to build a house, grant leases, and abstain from "uncertain exactions". All parties were exempt from rent for four years.⁶

Two clauses have been the origin of much polemics. The first was that the undertakers—and they only—should not sublet save to those who took the Oath of Supremacy. This was by no means

1) D. H. T.—282. 2) C. S. P. 1606—562. 3) C. S. P. 1609—183. 4) C. S. P. 1608—85. 5) C. M. S.—154, 270. 6) C. M. S. 61—64; R. I. A. P. I—10.

such a sweeping clause of religious exclusion as may at first seem. In the first place the Oath of Supremacy had not yet become the mark of religious cleavage that it now is. One has only to read in the Ulster Inquisitions the scornful words used by the native juries as regards Church lands, sold by "Bishops appointed by Bulls from the Pope of Rome", to realize that the mentality of men, whom one cannot call Protestants, inclined far more towards Royal than Papal Supremacy. The oath was, however, fast becoming a religious and not a purely political question, and by the reign of Charles it was the mark of religious cleavage, but we are still at the tail end of the era, when it was a question as to whether the Pope or the King was to rule Ireland. There was not an Irishman of any eminence who had not taken the oath as a mark of a law-abiding subject. In the era of peace, however, which was just beginning, it was fast becoming a religious badge and not the test of "a bringer in of Spaniards". As we know the Stuarts seldom tendered it to an official or a barrister. Nevertheless there was one great specious justification for it in the eyes of those who drafted the Plantation. Elizabeth's life had frequently been attempted by the Vatican. The Pope had issued a Bull giving great spiritual favours to those who supported the Earl of Desmond. He financed two Invasions of Ireland. The Colleges of Salamanca and Valladolid had issued a canonical rescript stating the no Roman Catholic should remain quiescent under "a heretical prince". A party of the Priests had put themselves at the head of the riots in the Southern Cities, refusing to proclaim James as King. The Priests in Donegal had hailed Cahir O'Dogherty as "a martyr", though the houses he burnt and the lives he took were those of respectable Roman Catholics. On the flight of the Earls the Papal Internuncio in Brussels was negotiating a plot for the invasion of Ireland.¹ The Roman Catholic Bishop of Down had just been detected in a seditious plot and had been executed. Right on the heels of this affair the Vatican appointed as Archbishop of Tuam, Hugh O'Neill's Secretary, and as Archbishop of Dublin, Oviedo, who had taken part in the Spanish invasion of Munster. "This", wrote Lombard the Roman Catholic Primate, "will impede the reconciliation of Ireland. It

1) A. H. IV—268—272.

will disturb the minds of Catholics. The appointment of one known to the Government to be too zealous in stirring up wars has resulted in the bringing in of many Scotch and English into the territory of the Earl, Scotch and English who are heretics. Even in Dublin we have been accustomed to being treated with sufficient liberty. Now there will be a change.”¹

If, in an area long dominated by O'Neill's friars and peopled with serfs, who, if not Roman Catholics, were, at any rate, hostile to the Reformation, the Government decided to import Undertakers and Colonists, it stood to reason, in the temper of the times, that a clause compelling these to let only to Protestants was not an exhibition of bigotry. It was protection. As Strafford one time said “If the Crown is embroiled in War and they are emboldened by promise of foreign successors, they may, in an instant, be blown up by the Priests into a tempest”, and in Ulster this applied with treble effect. Hugh O'Neill was allowed by the Vatican to nominate the Parish Priests in Armagh and Derry.² We know, from all subsequent events that those Priests were belligerent politicians, agents for O'Neill, for Spain, and the ever hostile Vatican. One of the Magistrates in Donegal, Everdeen McSweeney, complained bitterly of these agents—viz. “Instigators of the disturbances”. “The greatest politician and traveller in Ireland” he calls another.³

Apart from the fact that this only applied to the Undertakers' estates, and not to the Servitors, natives, Episcopal, or ordinary Patentee lands—by far the greater part of the six counties—the policy was not pursued. The great bulk of the Roman Catholic population were law-abiding subjects, more anxious to live peaceably, than to resuscitate wars. We know too, for a fact that the majority of the Priests ambitioned a very quiet life. Cardinal Rinnucinni regarded them as “traitors and almost heretics” because they did not see eye to eye with his policy of revolution and blood. His bete noir were “the old Bishops and Priests who lived at the time of the Suppressions and the Stirs. The Bishops are luke warm. The regulars are much more so”.⁴ The native gentry, basking comfortably on their freeholds, also cast a very surly eye on the efforts of fiery friars from Salamanca to restore Hugh O'Neill and his “cess” by—of all actions—stirring up the churls

1) A. H. III—296, 297.

2) L. S. II—63; A. H. I—39—45.

3) C. S. P.

1641—344. 4) R. E.—141, 142.

to attack men with whom they dined and wined, into whose families they intermarried, and from whom they borrowed money, ploughs and horses. The Irish upper classes were by no means such ardent enthusiasts for religion or national distinctions as the demagogic historians of a later date assumed. "The nature of the Irish", wrote an official to the King, "his never to suffer the bringing in of British if they can keep them out, but once they are amongst them they bargain, chop, and sell to them."¹ The Depositions absolutely bear this out. Phelim O'Neill, for instance, had over fifty English tenants, whom he brought in before vanity and bankruptcy drove him along the path of Revolution, *Novae res et Novae tabulae*, in which these unfortunates were massacred "though they were well beloved by their neighbours the Irish, and differed not in anything, save the Irish went to Mass and they to the Protestant Church". So swore one of "the Irish, of whom this deponent is one".²

In this piping time of peace, however, this atmosphere soon rendered this veto of no import. Like the proclamation ordering all Priests to leave the Kingdom, or all barristers to take the Oath of Supremacy, it was a measure like martial law, aimed only at the ill disposed subject. Lord Castlehaven, the greatest of the Undertakers, was a Roman Catholic. So too, were the Hamiltons, and Sir Robert Stewart.³ On the estate of the Derry Corporation there were 24 Priests.⁴ In circumstances such as these, the clause insisting on the Oath of Supremacy was but a farce. In fact so far from the Plantation suppressing Roman Catholicism, it was on the Undertakers' estates that it flourished most, more than in any other part of Ireland. The Undertakers were men of commerce and peace, and where they ruled the Priests thrived. What was more they encouraged and worked with the Priests, as with persons who could manage the churls, while the relics of feudalism were far from encouraging "intermediaries between them and their people". The agents of the London Corporation made clerical dues legal debts in their manorial Courts. They "entertained" Priests as privileged tenants, servants, and agents. They supported the ecclesiastical jurisdiction of the Roman Catholic ecclesiastical Courts, where "many were divorced for not being married by the

1) Buccleugh M. S. S. I—77. 2) H. I. M. I—203. 3) C. S. P. 1614—483.

4) A. H. V—3.

Popish Priests, et propter odia as they called it". Till 1627 there was scarcely a Church of Ireland Glebe allowed in the whole Derry Plantation, the Church Lands being retained by the Corporation. In no other part of Ireland did Roman Catholicism receive such privileges and official assistance as it did in Derry, on the Hamilton Estates, and on "many" of the other Undertakers estates. "Many" adventurers found it excellent business to frown on the Church of Ireland, to "discourage Protestantism and to countenance Papists".¹ Accordingly we read that they encouraged the missions of the Priests, whom they "countenanced with their usual familiarity at their tables, making use of them to let their lands at dearer rates than otherwise they could".² This, coupled with the fact that in Derry and Armagh, the exiled Earls nominated the Priests, is why, in the Ulster Plantation belligerent Roman Catholicism flourished more than in any other part of Ireland. The standard of the Priests so nominated, so encouraged, and so utilised was far lower than that of the South. If the comments of the Priests of Leinster and Munster are any test, it is very clear that very many of the Ulster Priests were of the servile class, peasants with no education. The extraordinary powers they were accorded, agrarian and official, by the Undertakers, made many of them believe that they had only to preach a Holy War, and all Ireland became their possession. In other parts of Ireland, being ordinary subjects, the Priests were not so anxious "*de bellis renovandis*".

What, however, is of more importance was the clause that the Undertakers should have no Irish tenants. This clause was the corner stone of the Plantation, as far as "the introduction of civility" was concerned. The great need in Ireland at that moment was bona fide farmers and artizans, in fact population. The scarcity of this class in many parts of Ireland was the outstanding evil of the period. Hugh O'Neill's demand that his tenants be sent back to him was one symptom of the difficulty of "manuring the ground".³ Neill Garve O'Donnell, in the absence of Rory O'Donnell from Donegal, "possessed himself of the latter's tenants", leaving Rory financially embarrassed.⁴ The bordering Lords used to bribe Tyrone's cow-agents "to procure the tenants

1) C. S. P. 1630—509. 2) C. S. P. 1625—1660—199, 207. 3) C. S. P. 1604—160. 4) C. S. P. 1604—161.

to live under them".¹ If there was this scarcity of creaghts over the area, what must have been the scarcity of the bona fide farmers? "Creaghting" may have been said to have been the national industry. Davies ascribed it to the wars of the chiefs, the depredations of "cess", and the absence of "fixed estates" under gavel-kind. "For who", he said "would plant or improve or build upon that land which a stranger whom he knew not would possess after his death? That, as Solomon notes, is one of the strangest vanities under the sun. This is the true reason why Ulster is so waste and desolate at this day".² "Most of the nation embrace grazing", wrote another scribe, "as it reapeth more profit than tillage and requires less labours. That is why there is no buildings, though there is plenty of wood."³

This scarcity of tenants was such, that, while the natives remained as cottiers and labourers on the Undertakers' estates, the servitors had no one to whom they could let their lands, and, even twenty years later, with the population doubled, and the creaght owners still offering their large rents, Phelim O'Neill had to introduce fifty-five Englishmen to people his lands, and "manure the soil".⁴

Scarcity of tenants, and what there were, far more devoted to connacre grazing than tillage, made it absolutely necessary to introduce a large number of yeomen farmers, if Ulster was to be a paying proposition. One of the fulcra of the Plantation was "to draw the natives from running up and down the Country with cattle, and to settle them in towns and villages".⁵ The first requisite for this was the Plantation of farmers and the introduction of artizans, and no Undertaker would go to the expense of importing this class of settler, if he was once allowed to let to the creaght owners, who could, and did offer five times as much rent for permission to graze cattle, as a farmer who wished to build and till, and "to spend money for future profit". What was more, what profit was there in passing land to an undertaker at a low rent in order that he might introduce Colonists, if he simply sold the land to one of the inhabitants, and retired to London with the purchase money?

1) C. S. P. 1610—533. 2) D. H. T.—129 3) T. C. D. F. 3. 16. 4) C. S. P. 1611. p. 131; H. I. M. I.—203, 205. 5) C. S. P. 1608—65.

This clause, depriving an Undertaker of the power of capturing the grazing rents, has appeared in many histories as the banishment of the natives. There was ample room in Ulster for ten times as many settlers as the Undertakers were bound to import, and for three times as many natives as were there. The patentee estates, the native and servitor estates, the Abbey leases, Church, mensal, College, and Crown Lands formed a very large area for the creaght owners and labourers to monopolize. Strafford found the mensal, Church and College Lands so waste and depopulated, that he passed a special Act enabling trustees to grant special terms to tenants, which in no other part of Ireland were Bishops allowed to grant.¹

There was yet another need for this importation. Manufactures were confined solely to the South and East. Before the Plantation the Customs of Derry were only £35 a year.² In all Fermanagh there was not a solitary town.³ Londonderry had just been badly damaged by Cahir O'Doherty. The town of Monaghan only consisted of a few cottages.⁴ Armagh was in a very lowly condition. So too, was Strabane.⁵ The first Act, on the restoration of law, in 1603, was the creation, wherever there were embryo towns or forts, of a borough with full charter of self-government.⁶ The Plantation perfected this system by adding 300 acres to each borough. In Londonderry and Coleraine, the liberties were very large. The former got 4,000 acres, and the latter 3,000. We are, at the era in which one of the special features of State policy, was the development of these boroughs in order to find employment for those without cattle, the State having found by long experience that "the painful people" were never "ill disposed subjects", no City having ever joined with the great Lords. The jargon of Stuart State policy was "poor Commons and poor King, rich Commons a rich King", and part of the solution was the "bringing over of tradesmen to every town, so that the country men might send their children as apprentices".⁷ "I have done the best", boasted Chichester to the King, "for the reformation of religion and manners, to alter their habits and induce them to dwell in villages and hamlets for common defence against male-

1) L. S. I—374; Act. 10. Ch. I. III. Cap. 1 and 5; L. L. VII—108. 2) C. A. H. James I p. 17. 3) C. S. P. 1608—57. 4) D. H. T.—227. 5) R. I. A. P. I—13. 6) C. S. P. 1603—323—327. 7) T. C. D. F. 3. 16.

factors".¹ One of the motives of the Ormonde Plantation was to develop two embryo boroughs, round which labourers and cottiers could cluster, "be sustained, governed and trained and their children be trained in trades".² All Irish sedition in the 17th century hated these boroughs with a deadly hatred, as, where the Irish Churl became "a painful and industrious person", there was no more law abiding subject in the three Kingdoms, "he having", as Strafford put it, "something to lose which with reason he could set his heart on".

And from whence were those small shopkeepers and artisans to emerge if they were not imported? What English man of the artisan class would come over on sheer speculation, if not assured of protection by an undertaker, or a lease of some plot on a neighbouring estate? The rise of all these boroughs was due to small plot holders clustering in a walled village, which grew and grew till it developed into a town, as serfs and villeins trickled into to its freer life. "I observe", said the Earl of Cork, "that wherever there were walled towns the country about them was kept by the towns, and the English families encouraged to keep upon their lands, having so sure a retreat."³ No undertaker would bring over these men, if he was allowed to let to the creaght owners, and, wherever an undertaker did import them, the servile population prospered largely, because, despite the traditional view, there never was an embargo on the natives manning these towns. In fact Chichester, Davies, Cork and Parsons frequently boast of the large number of natives they had allured into these hamlets, for such was their beginning. In Derry, for instance, the Corporation were specially ordered to make a certain number of natives free-men, while the liberties were specially reserved for the "meaner sort", to whom the hinterland was forbidden.⁴ The system under which the Northern boroughs were reared was curious. The Undertaker imported yeomen who were the customers of the market town. He was responsible for the protection of artisans who came into the town, and was supposed to lease them small holdings. He lived in the summer in the country and in the winter in the town. In the reign of Charles I, it was specially stipulated that Irish artisans in these boroughs were to be regarded as Colonists, per-

1) C. S. P. 1614—480. 2) C. S. P. 1625—1660—151. 3) C. S. P. 1625—1660—151. 4) C. M. S.—50, 57.

sons to whom the Undertaker could let or alien lands in any part of his estate. Whether this last arrangement prevailed before then by custom, which was then sanctioned, or was instituted by an Act of State—Plantation indentures were frequently altered by that method—does not transpire.¹

In a year after the Plantation, Liffey had built 58 houses, and contained "English, Scotch and Irish", Donegal town contained "many families of English, Scotch, and Irish who built good houses of copled stone". Mountjoy had "many inhabitants both English and Irish", and Charlemont "is replenished with many inhabitants, who have built good houses after the best English manner". In all these cases, however, the cause of this sudden rise of the hamlets was the activity of an exceptional Undertaker, who imported stone-masons and carpenters, native skill in building being confined to wattles and sheds.² One has only to read Pynnar's survey of the Plantation to notice that not more than half a dozen of the native gentry soared above the simplest habitations. This form of "civility" depended completely on bringing into Ulster men with traditional skill, and of bourgeois habits, from those parts of the three Kingdoms that had enjoyed a settled peace.

This may be said to have been the most important clause in the Plantation, and likewise the fruit of many evils. From the very beginning there was trouble. The Freeholders, creaght owners, and churls on the lands made over to the Undertakers had to be removed to their new freeholds elsewhere. Many men are singularly attached to the regions in which they live. Even the certainty of better things does not allure away the less adventurous. In many cases the alteration was undoubtedly for the better. The areas allotted to the natives are the best in Ulster. Chichester insisted that the native allotments should be "on the plains where they shall be invited or constrained to labour, whereas in the woods and places of strength they will be more given to creaghting".³ Davies relates that "the Irish were in some places transported from the woods and mountains into the plains and open countries, that, like wild fruit trees, they might bear the sweeter fruit".⁴ At the very beginning Sir Toby Caulfield said

1) R. I. A. P. I—13; C. S. P. 1641—351. 2) C. S. P. 1611—122—126. 3) C. S. P. 1608—68. 4) D. H. T. I—209.

some of the natives would not be removed "from the worse to the better land without trouble".¹ This was due rather to the vague reports of a vast Assyrian deportation, of which certain of the native gentry, just back from London, had heard the wildest rumours. After a time the excitement died down, but the difficulty was still there.² Chichester and Davies were seriously alarmed at first. All manner of rumours, threats, petitions and arguments ensued. At first it looked as if none of those, who had to be moved, would budge an inch. Suddenly Art McBaron O'Neill packed up his goods, took out his patent for 2,000 acres, settled thereon, smilingly and contented, and, before the Executive knew where they were, all those who had been allotted freeholds did likewise. The volte face was so sudden that the Undertakers, who did not expect the natives to go for another year, were left without "victuals and necessities for their money". Chichester was at his wits' end to know what to do. "To compel them to stay was contrary to the Plantation. To suffer them to depart will be the ruin of the undertakers", who had neither cattle, seed, nor ploughs, nothing but money, save certain Scotch gentlemen who arrived in great pomp with no money, and resorted to borrowing from the creaght owners, promising them, in return, that they would lease them the grazing of their estates. The despatches on this development are agitated and excited, the officials wringing their hands over "the crisis". Their bewilderment was all the more intense when the O'Quillins and the O'Hagans, the largest graziers in Ulster, flatly refused to become freeholders. Like the Indians in the Canadian Reservations, who petitioned the King against a proposal to give them votes, they angrily rejected the liberty thrust on them by the Government. They explained that, if they were freeholders they would have to serve on juries, "and spend double the value of their freeholds at Assizes". All they demanded was six months grazing leases from other men, under the protection of some great person. The Government solved the difficulty by passing them on to the Bishops, and we hear of them no more.³

The freeholders were a fairly easy matter. The churls and creaght owners, however, were a more complicated business.

1) C. S. P. 1610—473. 2) C. S. P. 1610—474. 3) C. S. P. 1610—472—530.

This class preferred to be under Englishmen than to be under the Irish Upper classes. The latter knew how to rule them. The former did not. A gentleman of a sept had a very clear idea of his position, of the peculiarities of individual churls, of how to distinguish between "a painful" churl and a woodkern, and of how to quell the emeutes of the less desirable. An English Undertaker, however, was a much milder person, who regarded them all as of the same ilk, was easily influenced by good or bad methods, and what was more to the point was willing and able to pay higher wages. At all times the servile population in Ireland prefer Englishmen to Irishmen, and in their revolts—because as Davies said "they prefer to be under some master"—they always chose disgruntled Englishmen to make their complaints against their betters, and to negotiate with the Government for doles or pardons. Once three "notorious" kern were released in one of the waves of Vice-Regal benevolence, and instantly started "pilfering victuals". Their emissaries to the Castle were Lord Conway and Sir Alexander Spicer, who "recommended they be forgiven for the sake of peace and quiet", as they put it.¹

Chichester had compromised on this question of covenants by giving estates to servitors, officials and soldiers, some English, and some from the Pale, who had experience of the country, and "knew how to rule the natives", as the planters "knew neither the country, nor the wars, nor the qualities of the people".² This was the reason that the servitors got what James called "the privilege that they may have the natives", a privilege much grudged by the Undertakers. "Because they have that privilege they ought to keep them from being offensive to the Undertakers by stealths and robberies. Why is this not done? It is rumoured that the servitors are willing to see the Undertakers discouraged." So wrote James. Chichester ruefully admitted that the undertakers kept the churls on their estates, and the servitors had no control over them when not their tenants.³

The fact was the labourers, cottiers, kern, and small creaght owners had no desire to be "ruled" by the servitors. Nor would they take service under the native gentry. Parsons says they were "so bitten with the tyranny of their landlords", that they always

1) C. S. P. 1627—202.

2) C. S. P. 1609—212.

3) C. S. P. 1612—254.

preferred English masters.¹ Pynnar's survey of the Plantation reveals the naked fact that, even the largest of the Servitor and native land owners, had very few tenants and labourers, while the Undertaker estates seemed to monopolize all the farmers and serfs. The fact was that the Irish gentry had not quite got over the old practice of "uncertain exactions", "customs", and the corvee, all of which were unknown to the Undertakers. Con McShane O'Neale, Sir Mulmorie McSweeney, and Brian Maguire seems to have been the only native proprietors that gave leases.² True it is that the undertakers gave no leases to the Irish either, but they were in a financial position to give them far better terms in the shape of rent, they never indulged in uncertain exactions, and they gave far more employment and were able to pay wages.

Another factor was the unwillingness of the undertakers to bring in English tenants. "The bringing in of such families was chargeable and the natives were not." Secondly English tenants would demand long leases at low rents. The connacre lettings quite satisfied an Irish tenant, if there was some security of tenure and there was no uncertain exaction. As a grazier too or, at any rate, one who did not feel disposed to build and drain, he could offer more than the English farmer. What was more, an English tenant who did come in, used to get a lease from an undertaker at a low rent, based on the plea that he had to sink capital, and then he used to sublet to the creaght owners at a profit. Pynnar says distinctly that very few of the Irish used tillage, which made this situation possible. Finally "the Irish were more servile than the English". After their experiences under the feudal lords very little contented them, while the English farmers and labourers, coming from the more stable civilization of England, regarded themselves as freemen, quite as good as the undertaker, clamoured for rights and abatements as compensation for coming to a barbaric country, and were generally a nuisance in the land, complaining bitterly if everything was not as they were accustomed to find it in the English Midlands. Pynnar gives them a very bad character. "Were it not for the Scotch" he says "who plough in many places, the rest of the country might starve."³ All modern development bears this synopsis of Parsons and

1) G. P. B. XXX—55. 2) C. M. S.—392—423. 3) C. P. B. XXX—55; C. M. S.—423.

Pynnar out in every detail. No colonial farmer employs an Englishman if he can help it. That race only shines as Colonists, when the rough work has been done, the forests cleared, roads built, and villages created. Then he appears with his law, order, system, and general comfort, and gloats over Empires, whose foundations were laid by Scotchmen and Irishmen. In Ulster this is exactly what occurred. Where the undertaker could not procure Scotchmen, he employed the natives. A writer of that time speaks very highly of the serfs, when well treated and instructed. "A painful and industrious man, when not ground down by Coigne and Livery."

The Undertakers fought very hard to retain the natives. Cheap labour, grazing contracts, and the expense of bringing over Englishmen were the chief motives. From 1610 to 1630 the authorities waged an implacable war with these men over this point. In 1619 Pynnar said that the male British population of the six counties was but 8,000. How vitally necessary colonists were is shown by his additional comment that "the fourth part of the lands is not fully inhabited". In the whole area were less than 2,000 houses.¹ The Muster master reported "Down and Antrim to be better planted with English and Scotch than some of the escheated counties of Ulster".² From subsequent events also we know that the county Cork was for more populous, civil, and wealthy than the whole Plantation area, despite all the great schemes for developing Ulster. The proof of the general failure of the Plantation is first the savage outbreak in 1641, and the very poor fight put up by the Undertakers, all of which is a sure proof that the industrious population was small and weak. The second is that Strafford's valuation for subsidies put these six counties as but one-seventh of all Ireland, Londonderry being the lowest in the whole Island.³ Lastly when Cromwell was selling the escheated lands, those of Ulster were sold at by far the lowest rate, 4s an acre.

The cause of this was that large, very large areas, had been passed away to men who, if anything, discouraged immigration, and put a premium on creaghting.⁴ In Londonderry 250,000 acres had been passed to a Corporation, which sublet to the com-

1) C. M. S.,—422.

2) C. S. P. 1618—228.

3) C. S. P. 1625—1660—232.

4) T. C. D. F. 3. 16.

panies, who in turn sublet to agents, who must have made fortunes by leasing lands for grazing. At this period the creaghts were doubling and trebling, as they always did in time of peace. Accordingly the London Corporation, which to James had orated grandiloquently on letting land at 4d an acre to colonists, frowned on settlers who approached them for parcels, and rackrented the natives to the tune of four times that sum. Sir Thomas Philips prophesied that their rack rentings, usury, truck Act infringements, and general exploitation were such that one day there would be a rebellion.¹ Nothing in Ireland was more conducive to a "rising out", than "discouragement of the civil", wastes and creaghting, coupled with exploitation of the serfs. If "civility" did not flourish, and money did not circulate, there was an increase in the number of "idle men" and "beggars", and such were their growing numbers in Ulster—the population increasing while industry was stationary—that an Irishman bluntly told James that "so great a number of beggars will break forth into some sudden mischief".² At the end of the Falkland regime this warning is frequently sent over to London, as the great "danger to the Kingdom".

In the case of the London Corporation, this exploitation was possible because of their vast powers. They ruled the two cities and all the markets. They controlled the Customs and "cozened" the King by illegal deductions, and the subject by taxing others, and exempting themselves. They held a firm grip over 250,000 acres, thus constituting a great land monopoly. To keep the serfs and exploit them was to store up trouble in a inflammable country. Few men knew that they were only entitled to a sixth of the land they possessed, paying £ 200 for land worth £ 800. If they had fulfilled their other Covenants it would have been something, but their building and their fortification contracts they evaded. The loyal native gentry, to whom they were bound to give estates, they put off with small parcels of bog, while to belligerent friars, semi seditions gombeen men, and but partly civilized woodkern, they gave their best plots, in their great desire to be popular with the worst sections of the community. This was a little way of many of the undertakers. A singular accurate scribe says that

1) C. S. P. 1625—1660—209. 2) T. C. D. F. 3. 16.

in many of the Plantations they discouraged the industrious, Irish and English, and gave every favour to the "idle and ill disposed".¹

Vain was it for James to say "I will not be cozened by Aldermen. I charge you, my Lord Deputy, that you spare no flesh in this matter, for no man's private worth is able to counterbalance the safety of the Kingdom." He might as well have orated to blank walls. The Corporation had friends at Court, friends on his Council, friends in Dublin, Parsons, for instance, Clotworthy who was one of their agents, and Cork who held a mortgage over the whole estate of one of the Companies. They also had friends among the leading lights in Ulster, honest gentlemen who got special leases of part of their scopes. Lastly belligerent Roman Catholicism regarded the Corporation estates as a kind of Utopia. No Roman Catholic Peer in the South ever gave them such power, as did the Puritan agents. In fact there were very few Roman Catholic gentry in Derry, the O'Cahan clan being very small, and not a few of them being Protestants. The only men of eminence were the agents, the Londonderry shopkeepers, and beneath lay the serfs. The commissions of the agents and the dues of the Priests were something of which the South of Ireland knew nothing, and the Priests of Derry were nearly all belligerents, nominated by the O'Neills, and not men of piety, chosen by their bishops. "Over ninety per cent of the natives' cattle are gone. Those who were children at our first coming are now men. My fear is they will rise and cut the throats of the poor dispersed British." So wailed the Governor of Londonderry, as he gazed round a County of what he calls "wastes, wood-kern, extortions and usury". For the exactions of O'Neill and O'Cahane the distracted County had substituted a sordid hegemony of London shopkeepers, native usurers, and truculent priests. Is it any wonder that the Derry subsidies were the lowest in all Ireland, but a third of wild and rocky Clare, where Thomond and Inchiquin had reared by painful steepes and slow some germs of prosperity, without acts of Parliament, officials, sedition—mongering, or eloquence.²

This shows on a very large scale how defective was the Plantation. Nevertheless, in one way it had been a success. Ulster

1) T. C. D. F. 3. 16. 2) C. S. P. 1625—1660—190—200; 1641—290, 291; C. S. P. 1622—366—387; 1624—526—530; 1627—219—220; 1632—643, 644.

was very quiet. If one contrasts the period 1610—1641 with any period of 5 years in the 16th century one is struck with its general air of peace, and to a certain extent of prosperity. There was no such thing as a “rising out” in all that time. This is all the more remarkable because the area was fresh from the tradition of violence, contained a larger number of semi—Spanish semi—O'Neill friars than any other county, and what was more, was still redolent with the traditions of the O'Neills and the O'Donnells, now in Spain, ever restless, intriguing, and active. If there was anything like a small discontented minority it certainly had scope to operate. Plots, of course there were, but none of any importance. Sometimes a letter from Spain would find its way to Dublin, and cause a panic. Sometimes a discontented gentleman would remember old associations, and be indiscreet in his talk, and the officials in Dublin would prophesy the end of all things. Once four or five freeholders discontented with “their small parcels” formed a plot to seize on the son of Hugh O'Neill, and declare a new State, but it was detected, and the boy was hurried over to Eton.¹

These quivers of apprehension, were but the last tremors of the great upheaval, slowly dying down. They always synchronized with strained relations with Spain, when self important persons of no importance would arrive in Ulster, proclaiming *urbi et orbi* that they had only to wave their hands, and a great European Power obeyed their behests, the great European Power being likewise assured by emissaries of no importance that they too had only to wave their hands, and every man in Ireland rushed to arms. All these harbingers of revolution forgot that all the upper classes in Ulster had done very well out of the Plantation, and, as the emissary of the Roman Catholic Primate told Sir Ralph Winwood, “if Tyrone should succeed the condition of all the other Provinces to be subject to the tyranny of those Ulster Lords would be most miserable”.² The native freeholders in Ulster were yet more determined for peace, there being a great difference between a few pence an acre, and “horse meat and man's meat at the Lord's pleasure”. During the Spanish scares one is aware of the full determination of the Ulster Aristocracy to have no Earl of Tyrone

1) C. S. P. 1615—29—34, 54, 62, 78, 79. 2) Buccleugh M. S. S.—153.

and no Spanish troops. Rory Ogue O'Quilly and Con O'Neale superintended the fortifications in that panic.¹ This Con had been abroad, and when the Intelligence Department heard he was coming home they warned the Government to give him a command, as he was "a mortal enemy of Tyrone".² Phelim, the son of Henry McShane, when he heard of the rumour of war flung up his commission in the Spanish Army, and returned to take service in the Deputy's household cavalry, surviving an accusation that he was a "traitor", made by one of Hugh O'Neill's agents.³ In fact the Government were able to report that they could raise in Ireland for an army against Spain "1.000 or 1.500 well-affected natives".⁴ In 1627, as we know, they raised 1.000 swordsmen to fight with France, who sallied forth amidst the benedictions of a Roman Catholic Bishop, whom the Deputy familiarly called "Matthew Roche".⁵ "Loyal servants of the Crown" is what Falkland described half a dozen leading members of the Ulster clans, such as Sir Arthur O'Neill, Groome and Patrick O'Hanlon.⁶ "The persons fittest to be employed against Tyrone and other Irish rebels" were

Tirlagh McArt O'Neale,
Sir Henry O'Neale of Antrim,
Sons of Sir Henry O'Gue O'Neill,
Sir Connor Roe Maguire,
Sir Mulmurry McSwiney,
Art O'G MacMahon of Monaghan,
William O'Cahane.

Brian Maguire and Neale O'Neale complete the list, while of Con McCaffery O'Donnell, the real head of the O'Donnells, and Hugh O'Rourke, brother of the chief of that clan, Falkland wrote "The former has always been a Protestant and is loyal. Of the other his demeanour is fair. I hope the loyalty of both these gentlemen and their good affection may be an example to others".⁷ In the list of "persons dangerous" there is not a single Ulsterman, save Lord Antrim, who was simply excitable.⁸ This list exhausts all the great names in Ulster. Wherever the Crown was threatened

1) C. S. P. 1625—1660—81. 2) C. S. P. 1625—1660—69. 3) C. S. P. 1625—1660—102; 1628—382; 1630—584. 4) C. S. P. 1625—1660—69. 5) C. S. P. 1628—304. 6) C. S. P. 1625—96. 7) C. S. P. 1626—132. 8) C. S. P. 1625—75; 1632—689.

it was remarkably safe in that corner of the three Kingdoms. One understands what Strafford meant when he described self-important plenipotentiaries to Madrid as "criminous and lewdly affected people that wander abroad and delight to have it believed that they were ravished of their means for their religion, keeping themselves in countenance by boasting of their titles and territories, whose very names were scarcely heard of by their indigent parents".¹

The Northern Gentry, fresh from the thralldom of feudalism, were the greatest bulwark the King had in the three Kingdoms, with no love for the rising notions of liberty of Parliaments, like the Undertakers. As for their religion about two-thirds of them were Roman Catholics—half of the list just mentioned were of that persuasion—and they usually kept Chaplains by no means sympathetic with the belligerent friars. The Loyal Roman Catholics, who were the greater part of the squireardy, were hostile to the friars and thought they should be put down, they being, as one of the McSweenys said, "politicians and travellers".²

Trouble there was, of course, with the woodkern. At this period this class was the plague of Ireland. A theory has arisen that they were "dispossessed natives", but there is no document extant to bear this out. On the contrary they were a mixture of swordsmen, unemployed horseboys, highway-men, and what are generally called "iddle boys"? Every period of civil commotion brings them up from the vasty deep, hiding in bogs and mountains, and known in different ages by different names, Tories, Rapparees, Whiteboys, &c. It stood to reason that there would be many after the Elizabethan wars, and it was really not till the time of Strafford that they were suppressed. They flourished quite as much in the non-Plantation Counties as in Ulster, or rather in those counties before they were planted, because a Plantation always spelt a complete reorganization of the social system, save in Ulster where the abuses were such as to perpetuate the old regime. In Wexford in 1605 there was a roving band of 100 men who preyed severely on the farmers. Davies attributed their immunity to the largesses of pardons, which made the life of a highway-man as safe as that of a good citizen.³ Wicklow also suffered from this plague

1) L. S. II—112. 2) C. S. P. 1630—509. 3) C. S. P. 1604—146.

down to the time of Strafford's Plantation.¹ In 1610 in Ely O'Carroll there were half a dozen such burning houses and driving off cattle.² In the same year the dwellers in the suburbs of Dublin "were driven to lay up all their cattle in ward every night" for the kern used to "survey the fields to the very walls of Dublin, and whatsoever is left abroad is in danger to be lost".³ Tipperary and Limerick complained very bitterly of "burglary and incendiaryism".⁴ Antrim and Down, where the wildest stretch of the imagination cannot detect "dispossession of natives", suffered from an outbreak, which the Council dignified by the title of a "rebellion".⁵ Mountmorris one time drew attention to 30 men operating in two bands in Tyrone and Londonderry, adding "I know well this is a trifle to speak of in this country, and there are many others in several counties on their keeping, as we call it".⁶

Part of the evil had been the disbanded swordsmen of the feudal Lords, drawn from a class above the farmers, and absolutely unsuited to peaceful pursuits. In Ulster alone there were 4,000 of these. In Leinster there were 3,000.⁷ The Government equipped and paid the passage of 1,000 of them to Sweden, where they entered the Army of Gustavus Adolphus. Their leaders were the most curious *mixum gatherum* it is possible to devise. Of the seven mentioned by Chichester, one was a near relative of Tyrone. Another was convicted of treason for joining in O'Doherty's rebellion. Another had deserted the Earl and thrown in his lot with the loyal Ogue O'Neills. Neale Ogue O'Neill, was an officer in the army. So too was Donogh O'Cahane. The two McKennas in time of rebellion served the Crown, and in time of peace plundered the country.⁸ These and all their followers, enlisted under the standards of Captain Sandford, the mountain patentee, and Sir Richard Bingley, who subsequently raised a regiment of O'Moores—"beautiful men" he calls them—to serve the King at Rochelle. The Government gave a large grant for their equipment, rations, and passage, and they disappear from the unhappy land that refused to support them any longer by becoming peaceful. By 1614 over 6,000 such had migrated to Sweden, and, all during the reign of Charles, drafts used to migrate to France and Spain.

1) C. S. P. 1638—199. 2) Ormonde M. S. S. I—8. 3) R. I. A. P. I—13.

4) C. S. P. 1629—432. 5) C. S. P. 1627—217. 6) C. S. P. 1624—474. 7) C. S. P. 1609—299. 8) C. S. P. 1609—305, 306.

Strafford took special pains to see that those that went to Spain were not drafted into the regiments commanded by Tyrone and Tyrconnell, arranging that Preston, a civil gentleman of the Pale, and subsequently the Commander of the Catholic Confederation's Army, should have first claim on these drafts.¹ Some, of course, like Tyrrell, Fleming, and Crawford settled down as patentees in Ulster. The first of these three was one in whom Tyrone "had great trust". He kept Falkland informed of possibilities of stirs, fomented from Spain.² He and a very large number of others were on the pension list, having rendered the Crown, when on its side, invaluable military services.³ This class, however, very rapidly disappears as, in another generation, the younger sons of the sept gentry turned their eyes rather to the Bar, which was becoming respectable, or to the Church on the spread of religion.

The Woodkern were usually of the servile class. They too were relics of the civil commotions. The abolition of serfdom and the disappearance of the great feudal retinues contributed also largely to their ranks. They were not numerous, but they were very unpleasant, lurking in the woods, and blackmailing or plundering the farmers. It was a very dangerous thing for a citizen to complain of their depredations, or to sit on a jury which convicted them. Case after case of savage vengeance on their part is recorded. Philips puts the total native population of the County of Derry at 4,000 men. Of these 300 were "idle men". In modern days this would be a small percentage of unemployed. Of these "idle men" about 30 were woodkern of bad characters. The damage they did was considerable, as it was almost impossible to catch them. They were frequently reinforced by odd discontented persons, and relieved by the terrified peasantry.⁴ The usual method was to employ ex-swordsmen or native gentry to "cut them off", as the Planters and the troops were useless for this purpose.⁵ One of these officials, called Dermot Ogue McDonne, relates how a friar tried to draw him into a seditious plot with the melancholy reminder that "though thou has been a servitor to the King and cut off many, what hast thou got by it! In the end thou wouldst

1) C. S. P. 1608—1610—272, 299, 422; 1613—479; L. S. I—395, 440, 466, 471.
 2) C. S. P. 1624—495. 3) C. S. P. 1623—448. 4) C. S. P. 1622—364—380;
 1623—428; 1624—474. 5) C. S. P. 1606—481; 1610—385; 1619—262, 269, 270.

be hanged for thy labour".¹ One of these outbreaks, St. John described as caused by "idle fellows of no ability, having no chief men to lead them", who "flew out" on a rumour of a Spanish Invasion, on which certain friars "wrought strongly", but "I set the principal local gentlemen to destroy them. Twenty are slain, and the gaols are full for the Justices of Assize". Thus ended that effort "to provoke the State in this time of general peace".²

The difference between the Plantation of Ulster and those of the other Counties is that, in the former Province, the kern survived the Plantation, and, in the latter, the Plantation abolished the kern. One reason for their abolition was the growth of the cities, and the increase in building and tillage, which always followed security of tenure and the introduction of capital. A large part of the woodkern problem was due to unemployment. Londonderry may be said to have been the worst County in Ireland for woodkern. If the Corporation agents had fulfilled their contract to rebuild and fortify Derry and Coleraine, they would have very soon absorbed in industry all those without cows. What was more if, in the hinterland, planters had been introduced, in ten years the mere circulation of capital would have so affected the Patentee and native estates in the Country that unemployment would have been negligible. It was a maxim of State at this period that efficient Planters doubled in a generation the value of the native estates beside them. When the Corporation declined to fulfil their Covenants by letting their grazing tracts to the native cow owners, or patches to serfs without a penny, they produced just that state of affairs which, if anything, increased "the idle population". This applied quite as much to many of the Undertakers. St. John complained that their "scopes were too large", "a sufficient number of buildings had not been made, nor freeholders enough, and such as have been made are poor and weak by reason of the high rents", rents easily paid by the creaght owners, but impossible for a bona fide farmer.³ How widespread was this creaghting is revealed in a letter of one of the Corporation's agents. He says that for six months in the year the graziers grazed the Proportion of his Company. The land then lay waste for another six months while they grazed on the Bishop's lands.

1) C. S. P. 1615—31. 2) C. S. P. 1619—250. 3) C. S. P. 1618—230.

Truly a profitable business for the Corporation and the graziers, but scarcely the conditions on which 250,000 acres had been passed for £ 200 a year!¹

In the meantime the wail of the industrious colonists fluctuates through the State Papers. Their rents were raised to the grazing level. Their improvements were sometimes seized on expiration of their short leases. They were the special prey of the kern, being English, strangers, Protestants, and possessed of goods.² Truly Sir Thomas Philips on his neighbouring estate might rage with *saeva indignatio* at this eyesore in a County, for whose peace the King held him responsible. Nothing, however, could be done. Half a dozen Commissions solemnly reported. A plethora of Imperial rescripts adorn the State Papers. The percolating influences of corrupt officials, high finance, native usurers, belligerent friars, and the grazing interest laid on everything the dead hand of incivility.

One more neglect on the part of the Undertakers had imperilled the Plantation. Not only were they bound to bring over Colonists to protect each other in case of an emeute, but to arm these men, and to supervise their musters or militias. If this had been done these woodkern would have been very cautious whom they touched, as, on the few occasions that they plundered the native gentry, they met with such a warm reception that the Government shook its head over the "tyrannies and exortions" of these chiefs. Phelim McPheagh O'Byrne one time was annoyed by a kern, who broke into his house and stole a keg of whiskey. It being "civil" times he did not hang him. He remembered he was a magistrate. He prosecuted him himself before himself, found him guilty, and gave him a good round sentence, amidst much lamentation of the kern's gang and shakings of heads at the Castle. When the term of imprisonment was over he chased him and the rest of the gang up to the hills, and retired triumphant, hurling seditious remarks at the humanitarian protests of the Government officials, who wrote to London about Phelim's "tyrannies over the poor people". Then, to make matters worse, he "relieved" in his kitchen other kern, who used to confine their depredations to his local enemies, of whom he had many.³

1) C. S. P. 1623—413. 2) C. S. P. 1627—219, 220. 3) T. C. D. F. 3. 17; C. S. P. 1630—580.

The Undertakers generally evaded this covenant.¹ Only one-third of the stipulated force was capable of being mobilized, and only a fraction of that was armed. For this the Undertakers were destined to pay very dearly. Avarice and slackness and a belief they were living in a land of peace had left them without reliable friends, without arms, without dependants, i. e., men who would suffer if they disappeared. What would happen if the Spaniards landed? What would happen if a "discontented gentleman" stirred up the serfs with a cry of *panem et circenses*, to be provided in the houses of the Undertakers? Who was there to keep the less reputable of the churls in awe, they owing nothing to some of these Undertakers but their rents? The native gentry had surrendered their feudal powers over the serfs to the Government. The Government had devolved them on the Undertakers, at any rate in the shape of importing loyal subjects and keeping a muster. What was more the Undertakers with some vague idea of popularity and a certain idea of large rents, had kept the churls on their lands, instead of despatching them to the Servitors and Chiefs, who "knew how to rule them", and were by no means prone to come to the aid of men who called them "tyrants", and "enemies of English liberty for the poor people". Many of the Undertakers seem to have fallen back on the policy of keeping in with the priests, who, as there were no native gentry in the Undertaker compounds, became the leaders of the churls, their masters, spokesmen, benefactors, and rulers; in a word, the headmen of their kraal compounds. This, as we know, was the silent policy of Elizabeth, but she was dealing with the priests of the cities and the Pale, at an era when religion was dormant in Ireland. The Undertakers were utilizing in many cases the emissaries of O'Neill, educated—if educated at all—at Valladolid and Salamanca, at a period when the religious question had spread to Ireland, when in every household the Pros and Cons of the Reformation were a theme of discussion, and, that, at a moment when clerical influence had reached such a pitch, that no small number of the priests believed that they could overthrow the Government, and rule Ireland by the awe paid to a cassock. Truly these were an unstable protection for Englishmen, Protestants who had never used a sword in their lives, in possession of lands

1) C. S. P. 1618—221—230.

for which, for centuries, native blood had been shed, and would yet be shed.

We thus come to the weakness of the Plantation, and its danger. The Ulster Chiefs, squires, upper classes, freeholders, and farmers were as contented and loyal as men could be. From 1620 to 1641 they never appear in politics or the State records. The *argumentum e silentio* in Ireland is an *argumentum pro fide et pace*. Strafford's correspondence opens before our eyes all the activities of those who gave the State trouble. The only references to the Ulster gentry are their visits to the Castle, their names in the Army list, the Commission of the Peace, and the Commissions for levying of subsidies. The Undertakers, on the contrary, gave him the utmost trouble, especially when Scotland went into rebellion. As Scotchmen they were affected by national sympathy, ties of kin, and religion. As Englishmen they were all drawn from the Middle Classes, who were actually meditating a Revolution. As Planters they were in possession of lands their patents did not cover, and the Crown was alive to the fact. They had broken the conditions on which they leased those lands. They were thus liable to escheat. Of this too the Crown was aware.

From 1617 to 1641 the most troublesome and disloyal subjects the King had in Ireland were the Ulster Undertakers. Wealthy, possessed of vast tracts, lords of the servile element, and not unpopular with the priests, they began very rapidly to develop what a modern generation calls "swelled head". When the Government asked them to support the Army, for which one would have thought they would have been glad, they raised a louder outcry than any other part of Ireland, shrieking loudly over their "poverty" and the constitutional rights of the British subject, no taxation without representation, a doctrine of which the Irish Chiefs had never heard. The agent for the London Corporation went so far as to call the Benevolence "a breach of the King's Charter", which was Satan rebuking Sin with a vengeance.¹ The Undertakers of Cavan, when asked by Philip O'Reilly, the Sheriff for that year, to behave like loyal gentlemen, and do what he and his ancestors had always done, "refused absolutely" and were quite lyrical in their lamentations, talking of such a crushing burden

1) C. S. P. 1627—206—208.

—it was exactly £ 900—causing “the dead to bury their dead, and a look of death in the face of every man”. The Deputy petitioned the Plantation Counties in the most humble strains, but they only replied by crying for a Parliament. “Any taxes it imposes we will cheerfully pay” sang a mixed coterie of Hamiltons, Stewarts, John Meeke and “nine other gentlemen” from Tyrone. It is very curious that, save from Kilkenny and the larger Cities, none of these complaints came from non-Plantation Counties, and there is not an Irish name among the petitioners, save in Wexford. The fact was that the Planters were becoming mutinous, fresh as they were from England with notions of Liberty, and we detect in the petition of Kilkenny—“This tax is not imposed in the old Parliamentary way”—how rapidly the new ideas were flourishing in a land that, up to this, assessed taxes by bargainings between the Sheriff and the freeholders, as to “what contribution was just in regard to the benefits enjoyed by His Majesty’s favour”.¹

The cause of all this was that the Undertakers wished to be released from their Covenants and the Government flatly refused to do so. For the first five or six years they had confined their activities to pleading “next year when the Colonists came over”. Then they assured the Government that cities would rise on the plains, all the churls would retire to their Lords, and the land would be “manured”. James had given orders that they were “to be punished”. They also asked to be exempt from rent, but the King’s reply was tart and no more was heard on this point.² By 1616 their evasions had become such a scandal that James actually wrote with his own sprawling hand “to spare no flesh, English or Scotch”. He gave them one year and then woe betide them!³ In 1622 matters were still as bad, and, in a burst of generosity, they offered to double their paltry rents, if James would only release them from their covenants to import colonists, grant leases, build houses, and support musters.⁴ In or about the same time they wrung a concession to keep the natives on the fourth of their estates on condition that they brought over the requisite number of Colonists. A more serious concession was that they were to get new patents with no proviso of forfeiture in case of breach of contract.⁵ This was drafted in London, but, when it reached

1) C. S. P. 1629—467—469. 2) C. S. P. 1611—65. 3) C. S. P. 1616—26.

4) 1622—357. 5) C. S. P. 1621—323.

Dublin, it was promptly "stayed". The next step was the inevitable lament over "the perversion and distraction of His Majesty's pleasure" by the Deputy and Council, and a demand that the writ run. This was signed by three men, whom Strafford used to regard with more indignation than the most belligerent of the kern, Lord Balfour, Lord Mountmorris and Sir Archibald Acheson.¹ James however had now been informed of what his Council in London had done, and he turned a very cold ear to this screed of woe. The Undertakers, however, lay low and bided their time.

The accession of Charles boded no good to the Undertakers. Philips, who had been raging for years over the state of Derry, at last got a hearing in London. Lord Conway with Bolton and Cattelin, two of the Irish Law Officers, were on his side. Suffice it to say that Charles was determined at all costs to inquire into that county. Matters reached a serious stage when the rents of Derry were sequestered by Royal Warrant. Needless to add this warrant was withdrawn. Suffice is to say four warrants were issued, each one being withdrawn either by pressure or on promise of amendment. The King attributed the delays and gyrations to "some secret opposition" the nature of which he was very anxious to discover.² Old Lord Chancellor Loftus was part of this "opposition".³ In the meantime Bingley, the swordsman, had raised the question of the over measurements, and was probing into some curious titles in Donegal.⁴ The climax came when Charles issued instructions that those who did not fulfill their Covenants should be escheated. In Armagh the lands of William Stanhowe were confiscated for "demising to mere Irishmen" or for allowing "nullo edificia lapida fact fuier sup p miss".⁵ In Cavan Sir Hugh Wirrall suffered the same fate. In several cases selling estates outright, non residency, and no buildings were additional charges. The most glaring case was that of a Northern money lender, Sir Alexander McAula, on whose estate there was not a stone, a ditch, or a bona fide tenant, nothing but grass and cows on yearly tenancies. Nothing is more remarkable in these escheats than the yearly tenancy and the absence of buildings.⁶ In every county two or three owners were escheated pour encourager les autres. What is more remarkable

1) C. S. P. 1624—518—520. 2) 1625—34; 1628—372, 380, 427. 3) C. S. P. 1631—635. 4) C. S. P. 1626—131. 5) I. I. Car. I. Armagh. 4, 6) I. I. Car. I. Six Plantation Counties. 1628.

is, that, in each county, an Inquisition was held into the collection of the rents, and from them it is clear that the loosest system prevailed. In several cases also over measurements were detected.

This caused a veritable panic. It synchronized with the departure of a deputation from Ireland to tender a Benevolence. They brought with them a letter from Parsons, in which he candidly confessed that Ulster "was no other than a wilderness", and that the only flourishing persons were the creaght owners, who wandered with their followers from estate to estate on the six months' system. He goes so far as to state that by now they were wealthier and more powerful than the residential gentry, who, having no capital and no tenants, were gradually disappearing under the weight of mortgages. He stated bluntly—and Strafford acted on this—that to force the churls to leave the rich and in some cases energetic Undertakers, and to place them perforce under the waning gentry, whom they did not like, would only produce "contention, clamour and great grievances from the Undertakers and the Irish". His suggestion was that Bishops, Undertakers, and natives be compelled to give the lesser natives "fixed estates", at 6s 8d a poll. In the case of the Bishops and the natives their "lands were given to them for that purpose and would, if not altogether, yet within very little requite those natives. The Undertakers would be very glad to keep such natives as they had, and in the end fixed estates would make the natives love their English landlords".¹

The special pleading was excellent, but it reveals why Strafford had such reservations on the subject of Parsons. The crux of the whole matter was not where the creaght owners were to go or the Churls were to labour. There was plenty of room for them in Ulster outside the undertakers' estates. The real cause of the "wilderness" was that the undertakers would not bring in colonists, would not build, would not spend money or assist the preservation of the peace, but had turned their estates into grazing ranches, and had robbed the native gentry of the tenants they were very anxious to get. If the creaghts had been confined to the native estates their rents would have enabled the native gentry to improve their estates, and to share in the general prosperity that the Under-

1) C. P. B. XXX—53—58.

takers would have created by bringing in the colonists they had promised to import, and could afford to import. All this Parsons had kept locked in his bosom.

On the arrival in London of the Deputation of all the different forms of discontent, it was a very easy matter to put a facile complexion on the Plantation. Each of the different elements that made up the Deputation supported each other's demands, and all were eloquent on the theme that, as they had in the end, voted a benevolence, a quid pro quo was only fair. Laud one time, in regard to the multitude of requests made to Charles said that "many things are cunningly put upon his Majesty, quite contrary to the fair face that is put upon them".¹ In this case Parson's letter was an admirable essay on that old request of Balfour, Acheson, and Mountmorris, which James had sternly refused. These arguments were now resurrected—the great difficulties the Planters had in procuring tenants and labourers from England; the great desire of the natives to be under English landlords; the impossibility of forcing the native gentry to give them "fixed estates"; the readiness of the undertakers to do so; and lastly the offer of the undertakers to pay £ 30—it is £ 40 in some documents—and to double their rents, in return for a new patent, as the old was liable to escheat for a breach of conditions.

What favoured their case was that the Crown had long ago dropped the idea of placing all the natives under the native landlords, and all the colonists under Undertakers. In Londonderry, for instance, a large amount of exceptions to this rule had been made in the original Plantation Charter. In all the other Plantations all the Undertakers had been required to do, was to import a fixed number of farmers and artizans. It was easy for the Ulster Undertakers to represent they had done this. A passage in one of Sir Thomas Philips' letters reads as if they had stated that 30,000 Colonists had entered Ulster, when the exact number was only 7,000.² The whole plea was then followed by an oration on the "wastes", the impossibility of manuring the land, the abolition of "slavish tenancies at will", the "reformation in religion" by "people being gathered into townships whereby the minister may know his parishioners", and finally "His Majesty shall by this means

1) L. L. VII—488. 2) Cowper M. S. S.—I—416.

be the author of that great work of uniting English and Irish together as landlord and tenant, an assured means of peace, religion, civility and obedience". Parsons, it must be confessed, could draft a case well.

Charles was much moved by this manifesto. He agreed to wipe out all previous breaches of Covenant, be they retaining natives, discouragement of colonists, absence of buildings, or neglect of musters. To make this clear, and to safe guard their holdings, he issued instructions that every man was to get a new patent. The natives were to be planted on a fourth of each Undertaker's estate. They were not to roam over the other three-quarters for "pasturing or agistment", but to "dwell in townlands and not dispersedly". They were also to get long leases for three lives or 61 years, and on no condition were they to be subjected to "customs" or "uncertain rents", or yearly tenancies, or tenancies at will. No mention was made of the over measurements, nor did anyone notice that the fines in the Irish documents are put at £40, and in the documents sent over to England at £30. Charles then dismissed the Deputation full of smiles and protestations of loyalty, and turned to his English affairs with a hope that they could be settled as easily.¹

There was great excitement in Ulster. An Inquisition toured the whole Province, marking out boundaries, allocating the quarters to be reserved for natives, and noting where breaches of Covenant had transpired. About 50 of the native gentry, not to be outdone had their "boundaries stepped", rents and tenures noted, and having procured a copy of the findings retired into placidity. They too, could take advantage of a situation such as this. They were not liable to escheat, of course, having no Covenants to break, but boundaries were worth defining in a Province where there were large tracts never "passed", no claimants, and no experts on the Commission, but, on the contrary, benign officials with instructions to please everybody.²

Then followed the patents. About a quarter of the Undertakers took this valuable opportunity to pass patents of the most varied nature, on which Strafford at a subsequent date had much to say.³

1) M. P. R. Charles I. pp. 75, 101, 102, 119; C. S. P. 1625—1660—259; 1627—263, 264; 1628—349—353. 2) I. I. Car. I. Six Plantation Counties, 1629. 3) M. P. R. Charles I. pp. 453—455, 458, 474, 476, 477.

Something suddenly occurred and the issue of patents came to a stop. Thomas Wentworth, Earl of Strafford, then arrived on the scene to find some of the Undertakers raging furiously together. His instructions were "The Plantations are recommended as one of the chief cares entrusted to you. This further comfort His Majesty is pleased to give you that whatsoever complaints be raised against you, he will always do you right".¹

All this explains a despatch of the Council's. "Touching the Plantation of Ulster, though it be well settled—God be thanked—and free from the complaints of the natives, yet it hath not been performed as was first conditioned by the Undertakers."² The chiefs and clansmen of the Septs were quiet, contented and loyal. Their attitude—for they had been sorely tried in the Elizabethan wars—was roughly that of Father Florence McCarthy, Superior of the Munster Franciscans. "I will do His Majesty any service, becoming my profession. I prefer the Commonwealth with the tranquillity of my country before the temerity of any private malevolent disturbers, who may kindle a fire, caring not how it may be quenched. You may peruse the enclosed letter, but I pray no one know of it."³ On the other hand the Undertakers, fresh from England, that land of liberty and placidity, saw no reason why they should truckle to a miserable Deputy and Council, who asked them—free Englishmen—to build houses, forsooth, and "restrained them"—as Pym used to put it—"from doing what they wished with their own". Ireland was now about experience the English Radical.

1) L. S. I—159. 2) C. S. P. 1622—357. 3) C. S. P. 1624—536, 537.

Chapter III

THE PLANTATION COVENANTS

In the times of our civil troubles several persons helped to subvert the Throne to which they owed their existence. If any bounds are set to the repacious demands of that sort of people revenge and envy soon fill up the craving void that is left in their avarice. Confounded by the complications of distempered passions their reason is disturbed, their views become vast and perplexed, to others inexplicable, to themselves uncertain. They find on all sides bounds to their unprincipled ambition in any fixed order of things.

BURKE.

Even before Strafford sailed for Ireland he got a taste of the actualities of Ulster politics. The "Lords and Chief Gentry" of Ireland tendered a Benevolence of "£ 20.000 for finding the Army for a year".¹ Certain of the Undertakers of Fermanagh—those of Cavan were not quite so ferocious—issued a manifesto, calling on all and sundry not to pay. For three or four years they had been agitating against the Army as a "burden on the subject", but this time they conceived the idea of demanding that it be paid by reviving the extinct fines upon Recusancy.² The Leaders of the agitation were Sir Wm. Cole and Lord Balfour. In the Tudor times "heads would have fallen for this". To refuse a Benevolence, thus publicly voted, was dangerous, but to call on others to refuse was what Strafford called "mutiny". The very fact that both leaders were Government Officials brought them well within the reach of the Prerogative, those special rules under which the King's servants worked. They were promptly arrested, and the agitation disappeared.³ On Strafford's arrival they were "convented", scolded, sent home in disgrace, and warned never again to be guilty of such "wanton and saucy boldness as to mutiny a country against the King's business". Thus was "the peccant humour corrected in the first beginning".⁴

1) Ormonde M. S. S. I—25.

2) L. S. I—74, 75.

3) L. P. I. s. III—191.

4) L. S. I—88; C. S. 1633—11; H. V. C. VIII—37.

Sir William Cole is a study in that mixture of vacillation, whims, "particulars ends", and "formality ever set the wrong way", which Strafford used to say was the real poison in the body politic. He had been given a very large tract by the King on certain conditions. The very fact that he took out a new patent in 1639, shows that he had broken those conditions, and the charge was made that his new patent covered lands that belonged to others.¹ The report of the Muster Master shows that he had only 6 muskets present on his parade.² The fort of which he was Governor, had been turned into a private house where he dwelt with his family. "Charge needless" was the report of the Military authorities.³ On this man it never seemed to dawn what would happen if "a discontented gentleman flew out", or if the Spaniards landed, and yet, in this situation, while drawing too the King's pay, he lifted up his voice, denouncing the Army, calling on all men not to give it aid, and suggesting as an alternative a penal imposition on the Roman Catholics, who were the majority of his County, an imposition which he was not to pay, though one of the wealthiest men in the County. Into such a maze of dangers did the Abracadabra of liberty and "old Parliamentary ways" lead this unfortunate wight. Years later he played a prominent part in cutting down the supplies voted to the Government, and in prosecuting Strafford, and in the October of 1641, we discover him clamouring violently for money, men, arms, and powder from a bankrupt and demoralized Executive, of his own making, to resist the uprising of the churls, who were carrying out to its logical conclusion, the morals, doctrines, and methods which the Covenanters and the Parliamentarians had advocated.⁴

Lord Balfour was even in a worse plight. He could only produce for the Muster Master six muskets, though his estate was twice as large as that of Cole's.⁵ He, however, seems to have sadly misused his functions of Governor of Fermanagh. There suddenly appeared in the County a projector of the name of Poe, with a letter authorizing him to probe into men's titles. He proceeded to harrass by suits some small owners, petty Colonists, and two Irishmen of the name of Stephens and Brian MacDonnell. "Barratry" was quite a common offence at this period, sueing

1) C. S. P. 1632—650, 651. 2) C. S. P. 1618—223. 3) C. S. P. 1625—1660—83. 4) C. S. P. 1642—371. 5) C. S. P. 1618—223.

men in the Courts and then not appearing. The law as it then stood cast all the costs on the unfortunate defendant, who usually found it easier to pay the Plaintiff some blackmail in advance, rather than face a pile of costs. This is what was described as "compounding with delinquents without licence of the Court", and was the very thing which the Star Chamber and the Castle Chamber were supposed to suppress, it being not an offence against Statute Law.¹

For some time this went gaily on in County Fermanagh, till rumours began to circulate that Poe had no such power, that his letter was a forgery. He was prosecuted by Stephens, who was Crown Solicitor, bound over by the Magistrates, and indicted by the Grand Jury as "a barrator and disturber of the Peace". He failed to appear. At the next assizes he did appear with a letter forbidding the escheat of his recognizances. The Jury acquitted him, Balfour producing a petition signed by many great Undertakers to the effect that he was a most respectable man. The unfortunate petitioners were then sued by Poe, arrested by Balfour, and refused bail till they petitioned the Lords Justices. In the meantime the original letter was being examined. No one exactly saw it being sealed. It was not in proper form. The seal had a very suspicious look, as if torn off some other document. Charges and countercharges were made. A host of draft letters and "stayed" letters adorn the case, which is complicated and obscure. One thing, however, strikes the casual observer. Why is it that Poe never used this letter to attack any of the great Undertakers, on whose over measurements and concealments Strafford and Bramhall used to wax so eloquent? Why did he confine his operations to tiny freeholders of no "worth or quality"? What was the reason that this obscure man should get such support from such influential undertakers? One has a very hazy suspicion that, if he was not blackmailing the undertakers, at any rate they were glad to support one who had the good taste to use his letter at the expense of people of no importance. The last we hear of him is in 1637, when Strafford hailed him before the Castle Chamber for "misdemeanours and forgeries". The crime of counterfeiting the King's Seal, was too serious even for the

1) C. S. P. 1625—1660—172; T. C. D. F. 3. 16.

Deputy to try, and Poe, with an accomplice of the name of Coleman, vanishes from the scene under escort in the packet to London. Nor was this the only case of this kind. Strafford at a later date fined a man in the Castle Chamber £ 200 for black-mailing unfortunate owners with Defective Titles.¹

When the Judges toured Fermanagh, they very soon were informed of these things, and they made a report to Strafford on Balfour's general conduct. What their report was, does not transpire, but Strafford's indignation knew no bounds. "There is not in all Ireland", said he, "a greater tyrant than he, who utterly drunk with the vice of violence, hath, with unequal and staggering paces, trod down His Majesty's people on every side, Cacus in his den never fuller of rapine".² Balfour was now in England, and Strafford demanded his instant despatch, so that he might make an example of what he used to call "the pressures of the great men, under which the meaner sort live here".³ This "nimble Lord" however—it being Parliament time—was hard at work in London, procuring what Strafford called a "pardon for all the outrages of his life past".⁴ The last we hear of him is the Deputy's gleeful joy at the news that he was being sent back for trial, "for believe me, a worse man lives not, I trust in Ireland. God forbid there should be many such".⁵ He died about 1635, but whether or no Strafford's mooted fine of £ 2,000 was imposed does not transpire. The whole incident is a revelation of what abuses of the law and oppressions on the subject were possible when large areas with Manorial and Official rights, were vested in men, who had no one to hold them in check from, at any rate, tolerating—though Strafford accused him of committing—extortions, intimidations, barratry, and blackmail, on "poor and weak colonists", or those "poor freeholders with small parcels", with which Fermanagh teemed, the creations of either "in trust" patents, or illegal alienations on the part of the Undertakers.

When Strafford's Vice-Royalty came to a close, "barratry" was impossible. The Statutes he placed on the Irish Statute Book, are a marvel of draftmanship, directed at the total annihilation of this practice. A whole series of clauses of limitation for all

1) C. S. P. 1623—1632—464, 480, 533, 579, 583, 598, 602, 612, 619, 679; C. S. P. 1625—1660—133, 142; C. S. P. 1637—158, 159. 2) L. S. I—245. 3) L. S. I—186. 4) L. S. I—170. 5) L. S. I—282.

forms of property, and every form of offence cut down the scope, in which a litigious plaintiff could operate, to suits in which, at any rate, the facts were in the memory of man. Executions and distresses were regulated, and the powers of manorial lords to direct or compound for them were reduced within reasonable limits. Finally in a non-suit, the costs were imposed on the Plaintiff, and, if he sued in *forma pauperis*, the judges were given power to punish for a frivolous or malicious prosecution. It is not till one reads these measures that the barrenness of the Statute Books and the difficulties under which justice was administered become apparent.¹

The aftermath of this agitation of the Planters still, however, percolated through politics. The first Parliament Strafford called, is remarkable for the fact that the chief opposition to the subsidies came from what Strafford loosely called "The Protestant Party", and the support from the Roman Catholics. This generalization is not quite accurate. The opposition in the House of Lords was led by Westmeath and Fingall, two Roman Catholic peers.² Some of the Ulster Boroughs too returned Blundell, Rives, Borlase, Paul Davis, Meredith, and Fortesque, who formed a sort of opposition to the Undertakers and the pro-Undertaker Members from the other Boroughs.³ Nevertheless, the majority of the Ulster Members were discontented over "the warrant staying their lands till the coming of the Deputy, "and his refusal to issue fresh patents "without a warrant from the King".⁴ That agitation for no Benevolence and Recusancy fines had left this partly religious, partly political cleavage. What strengthened it was, that the Ulster Undertakers had inserted in the great log rolling exposition of popular grievances, usually called "The Graces", a demand that the issue of fresh patents according to the new terms be continued as before. Throughout the countless intrigues that heralded the introduction of the subsidies, we can detect the figures of the traditional spokesmen of the Planter Class. Ranelagh and Parsons tried to postpone the introduction of the Subsidies. In the Lords Mountmorris and Ranelagh tried to stay the subsidies till grievances were first redressed.⁵ Bellicose Protestantism formed a stout

1) Acts. 10. Car. I. Sess. 2. Cap. 5, 6, 7, 11, 16, 17, 25; sess. 3; Cap. 8, 9, 11, 12, 15, 19; sess. 4; Cap. 7, 8. 2) T. C. D. F. 1. 6. 3) C. S. P. 1634—62—66. 4) C. S. P. 1625—1660—286. 5) T. C. D. F. 1. 5; F. I. 6.

cabal on the new doctrine of "Redress of Grievances first, and Supply afterwards", and, in the cabal, figured the Roman Catholic Lords of the Pale and Clanricarde's nominees from Connaught, the Roman Catholic Bishop of Tuam giving it his benediction from afar.¹ A series of yet more tortuous intrigues routed the cabal at the critical moment, carried the subsidies unanimously, and, when the Graces were presented, Strafford coldly replied that every Undertaker who had broken his Covenants, was to be escheated, but, under the shadow of escheat, he could appeal to the Defective Titles Commission, and take out a new patent at a reasonable composition.² An act was then passed—in the second session when all was quiet—legalizing the Royal Right to the Plantations. This strengthened the Crown Title to all lands whose owners had broken their Covenants. It did, however, something more. The patents passed in 1629 had no clause of forfeiture for breach of conditions. If, after that date, the patentees again broke their conditions, this Act resurrected an escheat. Finally the measure legalized in advance all such new patents as the Commission of Defective Titles might pass, and made such new grants water tight against beagles of the Poe type.³

What first drew Strafford's attention to the Ulster Plantation was the discrepancy between the £ 40 fine guaranteed by Undertakers seeking new patents, and the entry in the accounts of only £ 30 a patent. Careful inquiry elicited the painful fact that the Officials, who "trod the bounds" and passed the new patents received this £ 10 as commission. Commissions were quiet legitimate at this period, but secret commissions were not. Men were not supposed to take to themselves a bonus on a Royal Grace. One can thus understand what was the real secret of all those evasions in the Plantation, why it was that certain of the officials strongly recommended this Grace, a Grace never submitted to the Council, who would very quickly have "stayed" such a proposal. Coke bluntly called it "corruption".⁴ Strafford, however, who was more tolerant of the ways of high politics, referred to these "frauds due to the negligence—at the best—of the Officials" and added "how the ten pounds was divided amongst them I know not,

1) L. S. I—246; M. F.—134. 2) L. S. I—277—279, 322. 3) Act. 10. Car. I. Sess. 3. Cap. 3. 4) L. S. I—159.

nor am I curious to enquire".¹ He used to regard these performances as indispensable in affairs of State, and only bestirred himself when they reached unnatural proportions, or savoured of "oppressions". He one time excused himself from a suggestion that he should make a sweeping alteration by saying to Charles "I heard a rule from your blessed Father. *Quod dubitas ne feceris*".²

This explains also the grim silence with which Strafford regarded Parsons, "the driest of all the company", and so "sharp" that "praise and commendation" only worked "some operation" on him.³ He put his Court of Wards under the strictest daily inspection, "so that the officers might be more circumspect, and myself better able to judge whether His Majesty be profitably served".⁴ Wandesforde and Ormonde also seemed to entertain the same opinion. The latter complained of the unnecessary Inquisitions which the Court of Wards sent down to his County, even after a Plantation had been drafted. "You are in the right", said Wandesforde. "It is the gain of the officers that promotes these Inquisitions. The gentleman whom you see at the head of that business doth not a little promote that business."⁵ Parsons' comments are not on record. He kept his mouth shut, and bided his opportunity, which came in the end.

When, however, Strafford inquired into the Plantation, he found the state of affairs already outlined. Here were over measurements running into ten times the area mentioned, defalcations in rent running back for years, breaches of Covenant which were glaring in their iniquity. Plantation forts were dismantled, or used as private houses. The Inspectors of the forts had not been paid for 8 years. Musters were more honoured in the breach, than the observance. In all Ulster, including Antrim, Down, and Monaghan, only 13,000 men could be paraded, and amongst these there were only 7,000 swords and 700 muskets. The trained bands of the boroughs accounted for 2,000 of these, and their arms were altogether unserviceable. The best musters were provided by landlords outside the Plantation. The native hostings, as we know, were by now a dead letter. A rebellion

1) L. S. I—132, 405. 2) L. S. I—368. 3) L. S. I—99, 298. 4) L. S. I—191. 5) Ormonde M. S. S. I—41.

or an Invasion would find Ulster, but "a company of naked men".¹ Add to this the scanty population, the absence of tilth and houses, and finally, the huge "unmanured" grazing tracts, o'er which the creaghts roamed like Indians or Cossacks, and one understands what the Irish House of Commons meant when it ascribed to "the lack of manufactures and trades" the existence of "a large number of vagabonds and beggars, sound of limb and strong of body that swarm among us".²

The patents passed in 1629, however, were a yet more curious study. First there was the complete pardon for all previous breaches, in return for nothing but a contribution, which Strafford always insisted was paid, not by "the Great Monied Men" themselves, but by their "poor and bare tenants", violent "takings and ravishments of the poor, instead of the quiet levies of a Christian King".³ This pardon for breaches of their charter was all the more inexcusable, when we remember one out of the great privileges they had been accorded. For seven years they had been allowed to export whatever they grew on their own lands, corn or wooll, woollen or linen yarn, "without paying any customs or impositions for the same", a privilege no one else, and no other part of Ireland possessed.⁴ "If that business were in my hands again", wrote Strafford, "I would make it six times as beneficial to the Crown, and yet use the Planters honourably and well". The drafting of those patents was yet worse. The old patents that covered overmeasurements were defective, in as far as they comprised more territory than should have been granted. The new patents passed over this, and gave an absolute title to the whole. A man who farmed 2,000 acres was supposed to hold by an *In Capite* tenure. These over measurements gave men, who really held six or seven thousand acres, the privilege of the less onerous feudal tenure. What was more some patents that were originally *In Capite*, had been altered to soccage, thus abolishing all the Royal Reliefs. Of course, where these new patents were based on a surrender of the old, they were illegal, as not coinciding with the old. Several proprietors accordingly suppressed in the preamble of the new patents, the fact, that they were second editions

1) L. S. I—199. 2) L. S. I—311. 3) L. S. I—238, 401. 407; II—19. 4) R. I. A. P. I—10.

of the first, and drafted the new as an absolute, free, and new grant of some Royal lands. Other patents made no mention whatever of Covenants, so that lands held for a certain purpose to do certain things, had become tenures in fee simple, like inheritance or purchase. Lastly there were new over measurements created. Wastes to which no one laid claim, rectories whose advowsons had been let lapse, Church leases whose grantees had died, Fort, Common and School lands—in a word public lands which had no present and vigilant guardian,—had been swept into the net on this largess of grants by officials who drew £10 a patent.¹

It was a signet letter on behalf of the Earl of Annandale that drove Strafford to expose this scandal in its entirety. The letter itself gives a clue to the process by which these grants were obtained. It relates that the Earl had purchased lands from others, and had been given an estate by James. Desiring to incorporate all his parcels together, he prayed for a patent, and would be pleased if likewise, some tracts no one owned and no one claimed, and which he had been promised, should also be inserted. Coke “stayed” this letter, suspecting that it aimed at the passing of large scopes at “base rates”, but even he had no idea what lay behind it. Nevertheless, by some means or other, it was initialled, and reached Strafford as a warrant. Already Annandale had passed in 1629, no less than 10,000 acres of Plantation land without Covenants, in soccage, and as an ordinary grant. This, of course, might have included purchases of native estates, which, being free of Covenants, if surrendered, would in a new patent be regranted free of conditions, but in the patent there is no mention whatsoever of a surrender. It is this absence of mention of a surrender which makes it so very difficult to discover, whether the land had ever been held under covenants. Two casual references also show that what he was really doing was, buying up the estates of absentee Undertakers and waning gentry. The process then, was to pass the former free of covenants, and in the same category as the latter, dragging in at the same time the spare and unpassed tracts. Land was doubling and trebling in value in Ireland, during the reign of peace, and the mortgagee and land speculator in “real estate” was looming very large on the horizon. Strafford was, at

1) L. S. I.—132, 158; II—405; T. C. D. F. 3. 16; M. P. R.—453—455, 458, 474, 476—479.

any rate, determined that this excrescence on the body politic was to operate elsewhere than in the Plantations. He "stayed" the letter. One of the Statutes he also carried in the Irish Parliament, was one fixing interest at ten per cent—it was thirty in the earlier days of King James—and imposing a penalty of three times the loan. A second clause fixed the Commission of money changers, brokers, and "drivers of bargains".¹

The Act entitling the King to all the Plantations, escheated every owner who had broken his Covenants, even if in 1629 he had "passed" a patent with no clause of forfeiture. Every owner, so situated, had thus a Defective Title. His case, therefore, came before the Defective Titles' Commission. There are only two cases on record of an escheat, pure and simple, in the whole of Strafford's Vice-Royalty. In one case, however, the owner, Luke O'Toole of Castlekevin, was in an exceptional position. The estate was so "bangled" that he barely kept afloat by selling the timber, and he told Dr. Alan Cooke, Bedell's opponent in Cavan, that he was "well content to part with the land". The territory was leased to Coke, the Secretary of State, for planting purposes, and Strafford made arrangements that O'Toole should be given a freehold elsewhere, free of all the incumbrances with which the old estate was laden, while his mother's charge on the estate was bought out. "He extollet", said Coke to Strafford, "your Lordship's justice and confesseth it to be equal to the poor as to the rich". The other case was the escheat of an estate of Sir James Young for "alleged breaches of the Plantation of Longford". In this case, however, the only evidence on record is a Royal letter ordering Strafford to inquire into the "breaches", to escheat, and make over to a new lessee, but whether the letter was "stayed" or put into execution, does not transpire.²

How careful Strafford was to safeguard those who were—as he put it—"no way privy to the frauds, but came in by inheritance or mean conveyance", is shown in the case of a Mr. Wise, on whose behalf Cottingdon had written. An ancestor of his, Sir William Wise, had been granted certain lands by Henry VIII, but only on condition that, if direct heirs failed, the lease was to lapse to

1) M. P. R. 454, 458; C. S. P. 1625—1632—202, 436, 452, 509, 661; C. S. P. 1625—1660—60, 177, 228; Act. 10. Car. I. Sess. 2. Cap. 22. 2) C. S. P. 1636—136; Cowper M. S. S. II—114, 133, 156, 157, 180, 253.

the Crown. On the direct line expiring a grand nephew of his—so says Strafford—"by practice with one Dillon, then Baron of the Exchequer got himself found heir male of the body of Sir William, and so hath wiped the Crown, and thus wrongfully enjoyed the lands ever since". Strafford issued strict injunctions to Cottingdon not to breathe a word of this, lest some Courtier procure a patent before the Commission had compounded with the owner, for then "the poor gentleman would be undone, and the Crown not much the better".¹ These compositions varied considerably, a fine, or an increased rent, or a third in In Capite tenure, or the surrender of manorial rights or advowsons, or the insertion of covenants to plant or to build, or to sow with flax, or to keep a muster, varying accordingly to the size of the estate, or the nature of the defect.

In Ulster all these seem to have operated with full effect. The only documents we possess on the subject, are the petitions of the Undertakers on Strafford's downfall, and, as they made the most of the compositions into which they were "terrified", we have a pretty full exposure of the general effect. Rents of those who had broken the Covenants were raised another 50%. Many tenures were altered to two-thirds in In Capite. Advowsons to livings were escheated, and no greater reform was needed. The malhandling of those advowsons by letting rectories lapse, or by giving a portion of the income to a curate, the owner retaining the rest, was one of the scandals of the century. It prevailed all over Ireland, and the vesting in the hands of one religion, the right to nominate or veto the minister of another, or to let the Church and rectory fall into ruins, had been the great penal oppression with which the Church of Ireland had had to contend, because—not to speak of the rest of Ireland—the greater number of the owners of advowsons were either Roman Catholics or Puritans.

The next escheat was the manors. This was not exactly an escheat, but the grants were so worded as to enable the Crown to interfere with this independent administration of justice. In nearly all the grievances and administration of Ireland at this period, we have to go right back to Plantagenet times to get a

1) L. S. I—162.

parallel in England, Ireland being, as Strafford one time said, "governed by another law, the same that we were governed under in the Wars of the Roses".¹ Sir John Davies actually found districts in which the Eric or old Saxon "Wer" operated quite naturally. The statute of Gloucester in 1278, is the closest parallel to this situation. By this Act where a patent was defective the Crown assumed the right to enter in and whittle down those manorial rights of a judicial character, which, in many cases, had been shockingly abused.² During the later days of Elizabeth, and all through the reign of James, these manorial rights, Courts leet, and Courts Baron, frankpledge &c. had been distributed to every estate owner of any eminence in Ireland. The Earl of Antrim, Sir Tirlagh McHenry, and Sir Phelim O'Neill, for instance, in Ulster all had such prerogatives. The Government of the Country up to this had been really a feudalism controlled by a Council in Dublin. These manorial rights had been distributed broadcast among the Planters. As can easily be imagined, they could be, and they were abused. Even where no evil intent lay, they led to the greatest confusion of justice. In 1627 Antrim claimed the right of veto on all warrants issued in his area, defied O'Hara the High Sheriff, and arrested his bailiffs under this manorial charter. He defended himself by saying that O'Hara's bailiffs were "not bailiffs but kern".³ The Scotch in Down always repudiated the jurisdiction of the Ecclesiastical Courts, "in regard of the liberty their Lords have of excluding all Sheriffs".⁴ The Patentees of Abbey Lands ipso facto had these rights, which "made them independent of Sessions", and out of these rights some used to turn an honest penny by protecting "rogues" from the Sheriff for a consideration.⁵ Suffice it to say that, in the Straffordian patents, the right of entry was accorded to the writs and servants of the judges, magistrates and sheriffs. Thus had "the painful subjects" a right to appeal to the Courts of Justice.

The next general escheat was the markets. It stood to reason that a Lord or a Planter who protected and developed a market should have some control over its management. To the generation of that day it was a normal feature of the body politic. Corpora-

1) L. S. II—18. 2) S. S. C.—449. 3) C. S. P. 1627—278. 4) L. S. II—219.
5) T. C. D. F. 3. 16.

tions, manorial Lords and boroughs all had the right to say who was to sell in the market, and at what price, the Clerk of the Market being the official to prevent "regrating and forestalling", an offence regarded by the Tudors as grave, "plundering our people and making a profit out of our realm". This system, however, of private control of markets was fast collapsing, reared as it was in time of commotion, when no one grudged a baronial Lord or a City Council the right to control a market that they protected with their own swordsmen. In England it had disappeared. The rebellion of Wat Tyler, and then the intense civil commotion of the reign of Edward VI had vested all this power in the sovereign. In Ireland the grumblings at the extortions of the Clerk of the Market were growing louder and louder. Dublin rioted to get rid of his control. The House of Commons petitioned against his fees.¹ Chichester intended to pass an act abolishing his extortions² Complaints against local control of markets trickle frequently over to London.³ Strafford himself regarded it as an agency for much that was evil. "I never knew any benefit the Commonwealth reaped by it" was his comment.⁴ His attitude on all control of prices was that "where the generality is concerned in their livelihood there the less you meddle the better".⁵ These market rights were whittled down to fixed tolls and a moderate supervision. Sir William Cole, for instance, had a patent which made him the Clerk of the local market, and gave him the right to say who was to sell within its precincts. Strafford's Commission of Defective Titles reduced this to a nullity.⁶

The increase in rentals or fines are hard to discover. The petition of the Planters relates that, in addition to a two-thirds tenure of Knights service in Capite, these increases averaged a 30 % increase on the old rent which latter, we know, did not pay any attention to the over measurements.⁷ A few patents however, survive, and from these we can get some conception of how the rents were raised.

Sir William Cole. Fine £ 73. Rent increased from £ 12 to £ 53.

1) L. S. I—314. 2) C. M. S.—161. 3) T. C. D. F. 3. 16; C. S. P. 1625—1660—276, 277. 4) L. S. I—307. 5) L. S. I—308. 6) Lodge's Peerage VI—44. 7) C. S. P. 1625—1660—259.

Sir Frederick Hamilton. Rent increased from £ 64 to £ 129.

Lord Caulfield. Fine of £ 119.

Lord Chichester. Fine of £ 467.¹

The position of the natives on the Undertaker estates was more complicated. The original plan of James to compel the Undertakers to people their estates with none but English and Scotch had broken down. The Planters had found it impossible. The natives always flocked to the estates of the Planters. No other Plantation was drafted on that basis. The other Plantations only insisted that the Planters should bring in a certain number of immigrants. Strafford adopted this plan in all the Plantations. The covenant was renewed, insisting on the planting of a certain fixed number of English or Scotch.² This being accomplished, the remainder of the Estate could be let to the natives. The conditions, however, on which they were let, rendered it impossible for an undertaker to sell it to a creaght owner or a usurer. The "parcels" were limited to 60 acres, so that, if he wished to alien to natives, it could be only to occupying peasants. Not could he exploit them by "uncertain exactions", or keep these parcels only for the Creaghts. They could only be let for leases of 21 years or three lives.³ An additional covenant was inserted that a certain area be sown yearly with flax.⁴ In other words, the Undertaker could not live in London, drawing rents from the Creaght-owners. Nor could he sell his estate in the rising market to native gentry or usurers. If he sold, he had to sell it to another Undertaker, bound by similar covenants, to import a certain number of settlers, and to make the native tenants virtually peasant proprietors, and not serfs or flitting cowherds. The Strafford regime was remarkable for a strict enforcement of State contracts. We may safely assume that this time the Plantation Covenants were enforced, and these considerations apply to all the Plantation Counties, and all those who held in other counties under Covenants. This is why in the subsidy valuations the Plantation Counties are responsible for more than a quarter of the assessment of all Ireland, and this calculation is based on the assumption that Antrim, Down and

1) Lodge Peerage VI—43, 44; V—173; III—136; I—329. 2) Egmont. M. S. S. I—99. 3) C. S. P. 1625—1660—236. 4) C. S. P. 1636—136.

Cork, much of which was held under Covenants, are non Plantation, and likewise Wicklow and Carlow part of which were only planted about 1638.¹

The Londonderry Plantation, however, was in another category. The long agitation of Sir Thomas Philips was at last bearing fruit. Seldom did a man ever in Ireland waged a more pertinacious battle than did this lame old soldier against official indifference. In Londonderry all the agents used all their local powers to combat his efforts for reform. In Dublin the officials suppressed his reports, or stayed Royal warrants in his favour. In London matters were not much better. All the documents connected with his case disappeared one afternoon, and could never be traced. The friars in Londonderry waged a ceaseless campaign against his effort to collect evidence, and he retorted by gathering from the serfs some very spicy informations of clerical intimidation. "People communicating with me", he said, "are treated as they would be by the Inquisition." The creaght owners were against him to a man. The peasants themselves, some frightened at the idea they might loose their leases, others agog with the notion that Philips was a Puritan trying to persecute their priests, and others, in debt to the usurers or servile to the agents, all formed a solid combination against which Philips fretted vainly for many a long day, till he had landed himself in bankruptcy in his ceaseless endeavours to reform this welter of wastes, exploitation, and incivility.²

Two items alone show how matters were transacted. The Corporation was supposed to set aside three townlands for a school. Instead it "passed" this area to others, and gave the schoolmaster but 20 marks a year. The ferry was let out to what Bramhall called "The Charon" for £ 34 a year. Of this £ 28 went in perquisites to the different agents.³

This time Philips was not beset by the old difficulties "Howsoever this service hath been coldly followed hithertoo"—as Coke put it—a request that all documents were to be despatched to London to be ready for legal proceedings was promptly and readily executed.⁴ This letter was despatched in December 1634, and, in the following March, the trial in the Star Chamber began. It was an overwhelming case. Bluntly stated, the case was that

1) C. S. P. 1625—1660—232. 2) C. S. F. 1625—1632—83—88, 187, 357, 379, 638, 643, 644. 3) P. R.—18; C. I. XII—53, 75. 4) L. S. I—340.

the Corporation had sublet to agents, and the agents had not only neglected every Covenant, but had cozened the Customs, levied exactions and usury, practiced forestalling and regrating, rack-rented the petty Planters to the level of the grazing rents, and handed over the serfs to the priests, whom they utilized as rent collecting agencies. The forts were derelict, the cities but a few shops and cabins, and the common lands in the hands of the graziers, and not the serfs. The forest of Glenkonkein, reserved for the use of planters, building of houses and manufacturers, had been ruthlessly levelled, cut up into staves and transported abroad for "the building of foreign navies, for the native Merchants never build any navigable ships for their own use".¹ The School Lands were gone and the Glebe lands private property. The lands of the loyal O'Cahans were grazed by Creaghts of by no means loyal persons, and these men, who as Bramhall says had "risked life and property" for the Crown were fobbed off with leases of bog and mountain, to the great jubilation of the belligerent friars, native usurers, and kerne. The only case, in all Ulster, of natives being "driven to the hills" is this, and it was done by the greatest patrons of sedition that ever dwelt in Ulster. The witnesses to all this were both Irish and English, men of both high and mean quality.²

The Corporation really made no defence. One point there was in their favour, as Strafford subsequently urged, viz. before the area had lapsed under the control of the agents certain sums of solid cash had been expended. Otherwise their case was that they were not responsible for the acts of each of the Companies. The Companies pleaded that on one side they were not responsible for the Covenants undertaken by the Corporation, and on the other for the misdeeds of their agents. The result was a foregone conclusion. One has only to read the complaints of the tenants to realize how hostile this London regime had been to "painful" immigrants.³ This alone would have justified an escheat. After a trial of 14 days the Corporation was fined £ 70,000 and "their patent damned. All sat in council, the two judges and others, learned in the law, and none were dissenting".⁴

Philips was now triumphant, if bankrupt. The greater part

1) T. C. D. F. 3. 16. 2) C. S. P. 1625—1660—210; 1631—637, 638. 3) C. S. P. 1625—1660—142, 207; 1627—219, 220. 4) L. S. 1—374; C. S. P. 1625—1660—193, 201.

of the initial expenditure in this case had fallen upon him, after the manner of the time, when the official first paid the expenses of his office, and then petitioned the King for a re-fund. So "weak in estate" was he now that he compounded his pension of £ 120 a year for £ 500, which was a good bargain for the Irish Exchequer.¹ The King, however, decided to reward him with £ 5,000, payable out of the escheat or the fine. Strafford, knowing well the Law's delays and "the ways of Courts", advanced him the sum from his private purse, "fearful that the want of money might distress him the whilst, and I told him that, if any of his creditors did press above moderation, I will give them good content. This I did in regard to the Gentleman's age, poverty, and former services", he having lost a leg on active service against the Scotch Islanders.² Thanks to his patron, Lord Coventry, Strafford was duly paid, and Sir Thomas Philips vanishes from the scene, wending his way North in triumph, peace, and his customary sedan chair.³ His descendants are the Parsons family of Birr.⁴

This escheat may have added to the revenues of the Crown, but it certainly added to the Deputy's troubles. His urgent advice to Charles was, that whatever he did with the Estate, he should reserve to himself the Customs, fishings, and advowsons, but above all the Customs, as being "not fit to be worn in the cap of a citizen of London".⁵ Those of Londonderry and Coleraine were among the last of the Customs that were in private hands, and this farm cost the Crown £ 1,800 a year. "The trade of Londonderry", he one time wrote, "hath been hitherto managed with more art and inward respects to themselves than with a desire to deal faithfully to the Crown in their trading".⁶ The disease of all Customs' administration at this period was smuggling.⁷ The North of Ireland was the last stronghold of the smuggler.⁸ Its proximity to Scotland, the very loose Government of that country, and the private control of the Customs of Londonderry, Coleraine, Carrickfergus, and Strangford all made this possible. Strafford's sarcastic comments on the conduct of the London Customs' Officials in the North are amply proven by a disclosure made at his trial. It was then sworn that the rates of valuation for tonnage and poundage in

1) L. S. I—137, 153. 2) L. S. I—497. 3) L. S. I—517. 4) Lodge. Peerage. VII—252. 5) L. S. I—200. 6) L. S. I—494. 7) T. C. D. F. 3. 16; L. S. I—402, 423, 424. 8) L. S. I—382; L. L. VII—173; R. C.—197.

Londonderry and Coleraine were half those that the Lord Treasurer had previously fixed for the other ports in Ireland.¹

The escheat and supervision of these Customs first introduced Strafford to "that Scotch chapman" Barr, Lord Wilmot's iron-manager, Lord Mountmorris' "man of straw" at Court, the agent for a Scotch syndicate who aimed at taking over the Derry Plantation, the entertainer of the Scotch revolutionary preachers, himself an enthusiast on the Covenant, who was subsequently utilised by the Long Parliament as their agent in the Scotch Camp to deal with matters affecting Strafford's trial. He was the Corporation's lessee of Culmore Castle, which was partly a fort, partly a coastguard station. As a fort it was nearly derelict.² Beresford, the Corporation's agent, had been the nominal guardian, but Barr had a lien upon it of some mysterious kind, where he used to see "what goods come from Derry".³ Strafford, however, always had his reservations on Barr, who, possessed of some extraordinary signet letter, "applies it to deterring your Majestys Officers from doing their duties, defrauding your Majesty's Customs, and assisting at the escape of contumacious persons, as a person exempt from any coercive power on this side".⁴ Once the Deputy sent a pursuivant to arrest this "busy but broken pedlar", whereupon he produced one of his signet letters, and the pursuivant retired abashed. Barr was a financial and political tout for a very curious combination of persons.⁵ At any rate, determined to put Culmore in safe hands, Strafford delegated it to Colonel Robert Stewart, who, for ancestral reasons, would hold that fort against anyone connected with a Campbell or a Hamilton.

The fisheries were also reserved. They must have been of considerable value. They were leased by Bramhall to some local men for £ 1.000 a year, but the "practices" of some local merchants, who exaggerated the rumour of war with Spain, caused the lessee to throw up the lease. Strafford then made it a State service, collected 240 tons of salmon, sold it at £ 15 a ton, and, after paying wages, "getting, salting, and packing", lodged £ 1.400 in the Exchequer.⁶

As regards the estate itself, Strafford's advice was to retain

1) R. P. VIII—244, 246. 2) C. S. P. 1625—1660—197, 211. 3) C. S. P. 1625—1660—280, 321. 4) L. S. II—229. 5) L. S. I—381. 6) P. R.—30, 33; L. S. II—91; I—393, 475.

the Customs, Fishings and Woods for the revenue, to reorganize thoroughly the tenures, and to keep it as Palatinate for the young Duke of York.¹ Strafford knew that, in the Republican temper of the times, Charles could never ask Parliament for supplies in aid of the Royal family. "They will at some time", he said, "fall weightily and with pressure on the Crown".² In the meantime he ordered all rents to be paid into the Exchequer, and forbade any further destruction of timber.³ This timber was now reserved for the Navy, and special arrangements were made for its dispatch. It should be remembered that, in the year 1636, the Naval strength was doubled, and it was of the utmost importance that this commodity should not be shipped to France.⁴ Dr. Bramhall was appointed sequestrator.⁵

At first the King was disposed to accept Strafford's advice.⁶ A series of considerations, however, rendered an alternative policy not unadvisable, and Strafford was not opposed to it. It was no time to stand on legal rights or the strict letter of the law with the London Corporation. "It were very considerable", said Strafford "the too much discouraging of the city in a time thus conditioned, and when they are still to be called on for those great payments towards the Shipping business".⁷ Laud too held them comparatively guiltless, compared with those "great delinquents, those greater tenants that took it immediately from the city".⁸ The King was not averse, as he put it "to the use of a little present money", and there was no hope whatsoever of getting even a portion of the fine from the Corporation, except by suave methods.⁹ They had already pleaded complete inability to raise such a sum in cash, and had been ordered to "make such an offer as should be fit for his Majesty to receive".¹⁰

On receipt of the Corporation tender for a pardon and a new lease, Strafford told Bramhall to cease all alterations in Derry.¹¹ He told the King that in his view £ 5.000 a year was a reasonable rent to charge the Londoners for the estate, minus Customs, Fishing, and woods. This, of course, threw on them the duty of raising the rents of the "Great Tenants" to the market level. Strafford and Bramhall both held that £ 8.000 a year was the maximum

1) L. S. I—137, 399, 494. 2) L. S. II—65. 3) L. S. I—406. 4) L. S. I—475, 495. 5) L. S. I—496. 6) L. S. I—390. 7) L. S. II—25. 8) L. L. VII—465. 9) L. S. II—78. 10) L. S. I—463, 467. 11) P. R.—30.

rental the estate could yield. His advice to the King was to take the Londoners' offer of £ 5.000 a year. This coupled with the Customs, Woods and Fishings, meant a capital sum of £ 150.000. On the other hand, by altering the tenures himself, he could produce a standing revenue of £ 8.000, which could be mortgaged for £ 112.000. Charles was amazed. He assumed that the Derry Estate was a gold mine. Such it was we know to the "Great Tenants" and the agents, but Strafford did not calculate on that basis. He based his estimate not on market rents or the dues of creakt owners, but on low rentals for long periods to encourage development, and on carefully safeguarding the legitimate rights of "undertenants, who came in by purchase and were no means privy to the frauds". The King was amazed that he "put his assent to so mean an offer". Strafford was adamant. Five thousand was all one could charge an Undertaker, and £ 8.000 was all one could fairly take from the tenants. "If that business comes well to an issue", wrote Laud, "I will handsomely infuse it into the City, how much they are beholding to you, not that I think you greatly value any opinion of theirs, but because the time was not long since, that the Court malignity was most maliciously spread thither concerning you."¹ As we know the London Corporation displayed the utmost hostility to Strafford on his downfall, being firmly convinced that Londonderry would never have been escheated but for him, or, if escheated, would have been returned. Suffice it to say the King decided to keep the Estate, and take the £ 8.000 a year.²

The very moment it became known that "a good store of land" was in the King's gift, the petitions arrived. Charles sent all these to Strafford for comment. The Deputy was on tenterhooks all the while. He never knew from day to day to what decision financial embarrassments in London might not force the King, or what sudden intrigue might not vest the whole area in some undesirable hands. The seriousness of the situation was that every acre, originally passed to the Corporation, was escheated, and the decision of the Star Chamber was so phrased that the Church, the native freeholders, and the planters were all now tenants at will, their parchments being but waste paper. As a rule, these tenders offered enormous rents, based on the theory that all rents could be doubled

1) L. L. VII—273. 2) L. S. II—8, 25, 41, 65, 78; L. L. VII—342; C. S. P. 1625—1660—206.

and all plots escheated. "A mighty bargain", Strafford called one of them. "The tenants are to be turned out without any consideration of their monies expended, for fault of the Corporation, without having being so much as privy to the crimes. It comes from an inferior meanminded person, whose heart is not able to consider how princes esteem more the honour of their gatherings than the profits themselves, and how far dissonant it is to your princely thoughts to touch an advantage thus conditioned with rigour."¹

They had a very Scotch flavour, some of these tenders, all the more ominous as they came on the eve of the Scotch rebellion. Two of them, he said, would result in the banishment of every Englishman, and "leave the Province in a manner all Scottish, which I think were not so provident at any time. How much less then, in one conditioned as ours?"² The climax, however, came when Barr arrived, announcing to all, and sundry, that he was the new agent for a Scotch syndicate, who were just waiting to sign their names to the contract. Bramhall was furious. No one would make a bargain, or sign a lease with this danger of total escheat staring them in the face. Barr, it should be remembered, had signed the Covenant to go into rebellion, if all was not as he wished it, and what would happen the Church and School lands if he had their disposition? "Save me, my Lord", wrote Bramhall to Laud, "from the insolent madness of this lay elder. Thus as a bishop. As a sequestrator, however, I tell you that the natives who hazarded their blood in the service of the Crown against treacherous kindred will be cast out of doors. The houses which the English built will be inhabited by strangers. The Irish have a proverb they will yet weep over English graves, and I believe it is already fulfilled. It makes my heart bleed to think if this should be but known here." Finally he flatly prophesied that if this syndicate of "blind Scotch undertakers" tried to raise £ 12,000 a year out of the country they would fail, and the King would not get his headrent, but only "more dishonour than I ever hope befall him".³ As Laud put it "the bare proposal of gain is so welcome, that some do neither consider the impossibility of raising the gain, nor the mischiefs that must follow."⁴ Whether it was Sir James Galloway or "that

1) L. S. II—65. 2) L. S. II—224. 3) C. I. XII—53, 55. 4) L. L. VII—444.

insolent fellow Murray" that were Barr's masters in this does not transpire, but Strafford heard, and Laud corroborated the rumour that the Earl of Antrim and the Marquis of Hamilton were in the business.¹

At this moment this pair of semi-feudal noblemen were united. One was the greatest landowner in Ulster. The other was Argyle's great rival. Antrim always claimed the Western Isles. Hamilton procured him a Royal warrant to exercise Martial Law in Ulster, to procure munitions from the Castle, and to invade Argyle's territory, before that nobleman had even joined the Covenanters. The arrangement was, that, if the expedition was successful, both were to share Argyle's estates, while Ireland paid the cost of the expedition and ran the certain risk of civil war in Ulster by giving palatinate jurisdiction and martial powers in Antrim to one whom Strafford called "the grandson of Tyrone, and the grandson of old Randy McDonnell, in command of as many Os and Macs, as ever startled a Council Board".² Antrim was not exactly dangerous by design. No doubt he really intended to attack Argyle, but, nevertheless, a scatten-brained and bankrupt nobleman, at the head of armed Roman Catholic Swordsmen, whom he had no money to feed, would certainly not exercise restraint in a province, where there were at least 40,000 Calvinistic Scotchmen, possessed of money and goods, many of whom were sympathisers, if not with Argyle, at least with the Covenant.³

Antrim was rather a nuisance than a danger to the realm. In fact he added quite as much to its gaieties as to its difficulties. In this affair, as Laud put it, he "was led into the undertaking by Hamilton".⁴ Strafford dubbed him "a man of mean compass with a large estate", and seems to have agreed with Laud that the function of the State was not to regard Antrim as ill disposed—"an old Hugh Tyrone sprung from the loins of O'Neale"—but simply to "look upon things to come" and see that the mooted patent and mobilization were balked for reasons of State. "Men of brains and courage and malice with great means and great alliances" might turn such powers to very dangerous ends, and "supplement the other defects" of Antrim, who certainly "was not able to go on with a business where Hugh Tyrone left it".⁵ When Laud penned these lines he

1) L. L. VII—484. 2) L. S. II—325. 3) L. S. II—296, 297, 300—305.

4) L. L. VII—571. 5) L. L. VII—484, 508.

was re-echoing a despatch of Strafford's. At the moment he did not see Strafford's meaning. Strafford was referring to Hamilton.¹

Strafford's intelligence department was a marvel of acumen. He seems to have held in his hands all the threads of all the intrigues in the hinterlands of Ireland, of Scotland, and of the Court. His Agent in London was Railton. His Agent in Scotland was Webb, the Secretary of the Earl of Lenox. In Ireland his information came from the most varied sources—a Roman Catholic Bishop, a Church of Ireland Dean, a Scotch Colonel, a Dutch Captain, the mate of a coasting steamer and the Ambassador in Spain, not to speak of the intercepted letters of the Countess of Tircconnell—all kept him informed of the countless intrigues between the relics of Ulster feudalism, the friars, the Scotch Covenanters, and the Scotch nobility, who were all for a few months in an alliance, as Chichester used to put it, "in odium tertii".²

It was this ubiquity of his servants and friends, and the undoubted accuracy of his other comments on men and things that make his cautious comments on Hamilton so significant, though Laud for a long time would never agree with him. He attributed the whole disturbances in Scotland to the fact that Hamilton was "not right set".³ It was for that reason that he flatly refused to entertain any relations with him whatsoever and the Marquis held him in "deep displeasure".⁴ The evidence against that nobleman is certainly overwhelming, but his procedure was so tortuous and he acted so consistently through others and in the dark, that it is almost impossible to get at any evidence that would stand in a Court of Law. His mother was one of the greatest of the Covenanter patrons.⁵ His kinsman, the Earl of Abercorn, betrayed Dumbarton Castle to the Covenanters.⁶ The foreign agent of the Covenanters and the forger of their Cannon were both servants of the Marquis.⁷ The business of the Scotch Prayer-Book is even more mysterious. Ever since 1629 it was a foregone conclusion that some alteration would have to be made in the loose and casual episcopal regime of that country, but what had embroiled the situation was the means by which the reform was initiated, a

1) L. L. VII—575. 2) C. A. H. Charles I. p. 57; L. S. II—355, 274, 361, 376, 269; C. C. P. I—179, 140, 183. 3) L. L. VII—565. 4) L. S. II—250. 5) L. L. VII—514. 6) L. S. II—325. 7) L. S. II—276.

curious mixture of truculence and timidity, which left the King without a single supporter on the Scotch Council. In this Strafford was never consulted.¹ To the Privy Council the matter was never mentioned.²

Every step taken was against the pleadings and advice of Laud, who, with Strafford, and contrary to what tradition asserts, never hid from himself for a moment that a rebellion was imminent and that it would bring the King "to his knees".³ "My life is nothing", he said, "but inward prophecies of evil".⁴ "This business", wrote Strafford, "gathers fearfully and apace and sits wondrous dark upon the public peace. May God be pleased in His mercy to disperse and clear up all again! The skirts of the rain, if not part of the lightening is probable will fall upon this Kingdom. For the love of Christ let me have early instructions what I am to do, and then I trust to hold ourselves here by the staves by one means or another."⁵ Both the men whose lives this storm swept away were certainly guiltless of its beginnings, Strafford totally, and Laud, who was in favour of the new Prayer Book, being a vehement protestor against the methods employed to bring it in.

Hamilton, however, flung himself into the matter. In a savage despatch, every word of which was aimed at Hamilton, Strafford attributed the whole debacle to doing this thing at the secret advice of Scotchmen. "Treachery by those who were trusted" is the reiterated refrain of his letters. What makes the whole conduct of Hamilton so dubious is that he made "the deepest protestations" to the King and Laud that there was no fear whatsoever of an emeute in Scotland, at the very moment when, not only Scotland but Eastern Ulster, was seething with excitement.⁶ The nearest clue we can get to Hamilton's policy was that he was determined to allow matters to drift to the verge of an explosion, and then to appear as the great protector of the excited Scotch against "innovations in religion", as their spokesman to the King, in which situation much power would accrue to his party in Scotland, power that he could utilize against Argyle. "I have no quarrel with the Scotch", once wrote Bramhall, "nor they with me. I only hope they love me better than one another."⁷

1) L. S. II—190. 2) L. S. II—325. 3) L. L. VII—373: 490. 4) L. L. VII—485. 5) L. S. II—202. 6) L. L. VII—485. 7) C. I. XII—72.

This is exactly what did occur in 1640 when Hamilton announced to the Scotch that he was "seeing that His Majesty was not diverted" by others from giving them their just demands.¹ By then, however, he was helpless. His action in conspiring with Antrim to attack and seize on the estates of Argyle, had driven that one-eyed buccaneer into the Covenanter Party, which he captured and used for his own purposes very effectively. His speech to the General Assembly, when he first stalked into their presence, is a masterpiece. "He entreated all present not to misconstrue his late parting and killing for them, protesting that he went always their way, but delayed to profess it, so long as he found this close carriage might be advantageous to their cause, but that now of late matters were come to such a shock, that he found he behoved to adjoin himself openly to their society, except he should prove himself a knave."² Then he took what Strafford used to refer to as "their Covenant with God", incarcerated every MacDonnell, placed Hamilton's estates under coigne and livery, and led his Roman Catholic clansmen to fight the good fight against Popery, and to make, as Clanneboy used to say,—“the Covenanters glorious to Posterity”.

Accordingly these tenders—all Scottish—to take over and plant "the Derry" are not only financial and economic. They are political. Already Down was the appendage of Argyle and half Antrim belonged to the MacDonnell. Scattered throughout Armagh and Tyrone were Antrim's O'Neill kinsmen, and his O'Neill enemies also. Seven thousand acres of his lay in County Londonderry. The Hamilton influence also was very strong in Ulster, and had the merit of embracing all religious parties, while it was opposed very strenuously by the Stewarts. From the dawn of history to the present day Ulster politics are Scotch politics, and full control over Londonderry, over its forts and inhabitants, was a prize well worth straining every nerve to secure on the eve of an explosion, in which every English, Irish, and Scotch family was destined to fight for bare life.

Laud was aghast when Strafford revealed all this to him. "If the King give way to a magazine of arms and furnish Lord Antrim with it, the world will wonder and I despair. If they grant the

1) R. C.—181. . 2) L. L. VII—517.

lands, independent on the State there, and that 198 (Hamilton) be able to prevail therein, so as you may not intromit there, the example will go on like a cancer and your Government be lost.”¹ Fortunately “the idle expressions” of Antrim and “the lavish tongues of the propounders or projectors” had given both Strafford and Bramhall warning of what was brewing. Laud was thus enabled to forestall them with the King.² Charles said he would take very good care that the undertenants were protected, but Laud was still dubious. “Many things are cunningly put to his Majesty, quite contrary to their fair face.”³ In the meanwhile the absence of any system or manager had lost the revenue £16,000.⁴

In the meantime another tender had arrived, this making the third. It was tendered, of behalf of the undertenants by Sir John Clotworthy. They offered to pay £9,000 a year for ever if all existing leases were secured for ever.⁵ Sir John Clotworthy was one of the most popular and active figures in the North of Ireland. The son of one of the agents to the Plantation by purchase, mortgages, and long leases he had become a landed proprietor of no mean status. He was also regarded as one of the leaders of the Presbyterian party, and of Parliamentary doctrines, and was held in high honour by the London Corporation.⁶ It is nearly impossible to say with whom he was not connected by ties of kin. His mother was a Loftus, daughter of the Archbishop of Dublin. This united him to the Parsons and Ranelagh party. He was related to Tristram Beresford, agent for the Plantation, Edward Roly, agent for Coleraine, and Roger Langford, one of the Down Planters. Lastly his son-in-law was Major Owen O’Connell, the gossip of Lord Maguire, whom that Peer tried allure into his plot to seize the Castle.⁷ If ever a man had friends in all parties and on all sides it was this gigantic, jovial, and singularly eloquent exponent of raw revolution. His politics were rather English than Scotch, but this, in the excitement of the times, did not prevent him from adjourning to Edinburgh to sign the Covenant, after which he returned calmly to Ulster, and continued the even tenour of his way. Strafford simply called him “Ananias” and left him unmolested, regarding him rather as an English Radical, for whom

1) L. L. VII—484. 2) L. L. VII—504; C. I. XII—53. 3) L. L. VII—488.
4) L. L. VII—540, 5) C. S. P. 1638—195; L. S. II—224. 6) J. L.—27. 7) Lodge
Peerage II—377—380; V—296, 297; VII—252, 157.

allowances had to be made in moments of excitement, it being a peculiarity of that tribe that, while singularly law-abiding in those districts where their own houses are situated, they always lend the light of their countenances to the most blood thirsty cabals in countries not their own. What made this performance all the more curious was that Clotworthy was, at that moment, an official of the Crown.¹ On the rumour, however, that Argyle was threatening Ireland and the Antrim and Derry landowners, Sir John recollected himself, and was one of those who administered to all the Scotch in Ulster a repudiation of the oath, to which he had subscribed only a few months before.² When, however, the elements of revolution began to stir, he departed to London, and there placed himself among the leading lights of extreme Revolution, prosecuting Strafford and Laud.³ The latter was so badgered by him on the Scaffold with theological queries that he "applied himself to the Executioner as to the milder person".⁴ Cromwell then expelled him from the House as a public nuisance, and he retired to Ireland when he acquitted himself well on the field as an Officer among the Covenanters. He then became a Parliamentary official, survived a prosecution for paying his soldiers in paper money, while exporting the gold Cromwell had sent him, and was an ardent supporter of the Restoration, after which he became a Peer and a stalworth upholder of "Arbitrary Government".⁵

To this tender of Clotworthy's Strafford was not averse. It had one great merit. "It settles all the now occupants where they are in quietness and moderate contentment", while the two former made liable to eviction "purchasers bona fide, who had incredibly improved their estates. The former will not only leave the people discontented, but that Province in a manner all Scotch". What was more the former tenders made tenants at will of the following gentry of the Clans, who had passed their lands in the Londoners' patent, Phelim Groome O'Neill, Manus O'Cahan, George O'Cahan, Manus MacGilligan, Shane and Daniel O'Mullane, not to speak of the innumerable freeholders in the liberties of Coleraine and Londonderry, and the leaseholders elsewhere.⁶ The tender, however, stood very little chance of acceptance. Depending

1) L. L. VII—464. 2) R. P. VIII—495. 3) R. P. VII—1, 14, 110. 4) L. L. IV—438. 5) Dictionary of National Biography. 6) I. L. G.—301.

as it did on neither escheats or rent-raising, its capital value was £ 15.000 less than either of the two other offers. If the King was determined to lease "the Derry" Strafford recommended him to accept this, even if it was financially the worse, and had the demerit of being a fee farm grant, instead of a 21 and a 41 years lease as the others were. To make doubly sure, however, of averting the other two offers Strafford tendered himself. He offered, if allowed to take the fishing, to surrender the estate at the end of 21 years. He would pay a rent of £ 8.000 for five years and an extra four thousand at the end of that period. This he estimated to be 10 % better than the two offers and 25 % better than Clotworthy's, while retaining Clotworthy's great merit of preserving the tenants. His final advice to the King was that "such a power and command should not be passed in fee farm to any meaner subject than the son of a King" viz. the Duke of York, who would, at the end of the 21 years, "accomplish his full age".¹

One of the most curious things in that enigmatic character of Charles was that he never followed the advice of a Minister in toto. It is just possible that the real cause of all his troubles was that he took a portion of each Minister's advice, and formed policies out of the divergent views. Clarendon points out with considerable acumen, that Charles was always asking for advice from men he thought were experts, and was always in difficulties till the time when all his Ministers deserted him. It was only then, when the debacle was complete, that he suddenly took to evolving his own policies himself, with results, that very nearly reversed the situation, his failure in the end being due to his previous mistakes, and not to any defects in his later statesmanship. Charles compromised "by settling it", as he told Strafford, "for my best advantage, both in honour and profit". He kept "the Derry Estate" as Crown Property. Instead of vesting its control in Strafford or the Irish Executive, he appointed a Commission of Bramhall, Parsons, and two Englishmen who had never been in the Country. We can but guess at the reason. Perhaps it was his very suspicious mind, and perhaps it was the suggestion of others, but he knew that Strafford would not raise the rents above a certain economic level, and money was not only scarce, but

1) L. S. II—222—225.

there were men on the Council to whom the King was in debt, clamouring daily for their arrears. The English members came over to Ireland with the intention of raising the rents as high as they could. Strafford dispatched Parsons elsewhere. He knew, if the Commission did not, that it was Parsons who was responsible for the original over measurements, that he was a kinsman of Clotworthy, and that Clotworthy, was not only related to the two chief agents of the old regime, but was the mortgagee, and thus the real owner of a twelfth of the Londonderry estate. Parsons was not corrupt, as corruption went, but how could he be an impartial judge in these matters?¹ "He cannot be spared", wrote Strafford.

These financial difficulties in London became, towards the end of Strafford's reign, the greatest danger to the realm. Charles could not raise money without a Parliament. Every Parliament summoned was "embroiled" at the very outset by discussions on the number of Priests in Ireland, the sermons of indiscreet Bishops, or "the endowment of innovations and prelacy", one of those phrases which masked the disendowment of the Church of England, and on that Charles would never give way. The inevitable result of Strafford's handling of the Irish finances was that every Minister, official, and courtier, with claims, just or unjust on Charles, always pleaded first dire poverty, and then a letter to the Lord Deputy, to pay him out of the Irish account. The letters so "stayed" by Strafford are innumerable. One cause of the hatred he aroused in the Court—and there is every evidence that "the precise party" in the Long Parliament were urged on to their task by great officials at the Court—was this reiterated "taking of the negative" by a Deputy, who one time flatly declined to allow the Irish Revenue "to pay a company of people that have contracted debts to themselves from unjust pressure upon the present necessities, a company of rotten debts, raised upon jewels, forsooth, and other wares".²

The rents of "the Derry" constituted a great bait for this large gathering. This was why one of his maxims was that "all grants in Londonderry should first pass the Great Seal here, to prevent

1) L. S. II—232, 245, 252; L. P. I. s. III—215.

2) L. S. I—518.

the slipping in of vast royalties to the prejudice of the Crown".¹ It was no part of the then policy to reserve all Irish revenue for the internal affairs of Ireland, but Strafford held, that till the debt was paid off, all farms and monopolies compounded, and a standing balance placed in the Exchequer for use in case of war, no money should be diverted to the other side, and then only if economic conditions could stand it. It was on this condition Parliament had voted the subsidies, and this condition had to be honourably maintained.² The rents of Derry were in another category. They were the King's personal estate. Strafford was ordered to transmit them to London. His reasons against the course were as follows:—

(1) Transportation of bullion would ruin the Irish money market and set all prices soaring upwards.

(2) If goods were exported instead, the Customs duties on them would yield 10 %, which would be lost if the rents were sent in cash.

(3) If sent in specie they were in danger of ship wreck, piracy, and highway robbery.

(4) If sent by letters of exchange the brokers exacted a shilling in every pound.

(5) It will "abate their cheerfulness in supplying the Crown and give a great scandal to the people if they once find their money drained from them in specie". It was the fear of this that had made the country so unwilling before to vote the Benevolence, and "I assure you I had so much ado to bring them off that principle, that I should be sorry to see them by this means brought upon it again".³ The result of this appeal to honour, finance, and statesmanship was that the rents of Londonderry were earmarked for the Irish army.⁴

The Commission then toured Londonderry. Bramhall seems to have had no objection to their general arrangements, nor too did Strafford ever write a word criticising their alteration of tenures. Wandesforde says they did "their parts well". The probability is that the re-arrangement of boundaries, divisions of grazing tracts, reductions of the huge areas held for "creaghting" by the "great tenants", and abolition of tenancies at will was

1) L. S. II—225. 2) L. S. II—17, 20. 3) L. S. II—96. 4) C. S. P.
1640—244.

really done by Bramhall, the other two outvoting him on the financial question.¹

Subsequent events showed that they fell foul of the greater tenants and of the agents. This was a foregone conclusion. The original idea of the whole plantation had been a large number of small estate owners, those petty planters who were the real and secret success of the Plantations. Even in Londonderry whatever prosperity there existed was really due to the four or five hundred such, who had come over with some small capital as farmers or petty merchants.² Strafford says they had "expended great sums whereby their lands incredibly improved".³ The agents and major tenants were those large proprietors of great tracts on easy terms, which they sublet either to graziers, or from which they drew "customs" and "rack rents" from serfs, creating—and this was proved in the Star Chamber—"no civility". They, more than the Companies, and far more than the Corporation, had been the real "villains of the piece". In one case—that of Tristram Beresforde, who had really been responsible for the sale of the Glenkonkein timber to the French Admiralty—the Commissioners "had instructions" to cut down his titles to a normal Plantation allotment, and others, "answerable in law and equity to His Majesty", were not discharged from the Star Chamber, when the Corporation compounded the fine for £ 12,000, but were left to the Commissioners' mercy, who had orders, at any rate, to pass back to the two cities their Liberties and Commons, now in the possession of such persons.⁴ Beresforde and three others owned the greater part of the Haberdashers' allotment. In 1622 there were only five freeholders here, of which four lived in Scotland. Pynnar could not find a single tenant with a scrap of paper to show that he had a lease. The bulk of the houses were wattle sheds, and the Church was in pre-Reformation ruins. This plot the Commissioners escheated, and sublet for 21 years to the tenants. Lady Cooke farmed the Skinners' proportion on a long lease of 61 years. This was in a better condition, there being 7 freeholders, 8 leaseholders, and 12 cottagers on the 3,210 acres. In this case the Commissioners cut down her unexpired period of 34 years at £ 125 rent to one of 21 years for £ 40 rent, throwing

1) C. I. XII—74, 75; P. R.—62. 2) C. S. P. 1624—471; 1638—195. 3) L. S. II—224. 4) C. S. P. 1625—1660—218, 240.

in the tithes as compensation. These are the only cases against which the agents subsequently complained. The Commissioners defended themselves with considerable force. "The leases in Coleraine had all expired before we came, so no injustice was done. Where we broke long leases, these had been made by Beresforde without authority These people (Beresforde and Lady Cooke, and other great tenants) have not spent much money on the Plantation and do not deserve pity". What strengthened their case was that, when examined before the Committee of the Long Parliament, they were "cleared".¹

Where the Commission blundered, and blundered badly, was in raising the rents of leases that had expired, in putting excessive rents on the freeholders they created. They could, of course, allege the rapid rise in the value of land. They could dwell on the large rentals the greater tenants took from the under-tenants. If even all this is conceded, the fact remains that, despite the protests of Bramhall and Strafford, they allowed the financial exigencies of the King—this was before the rents were earmarked for the Irish Army—to outweigh expert advice on what was a fair rent. "If they had stopped short", said Bramhall, "at the Deputy's proposition, it had sorted with His Majesty's honour and profit. The racking of it for the odd £ 1,000 or £ 1,500, raiseth a great clamour, hinders plantation, and will, I fear, be as troublesome in the reduction as it was in the composition. I am sure it will make no good Exchequer rent".² Strafford was more blunt. "Give me leave plainly to tell you what I hear. The rents will not hold. All your grave Serjeant hath done will not prove worth a straw. You on that side (in England) believe us to be either so foolish, or something that is worse, that you must still be thinking that you are better able to serve His Majesty there, than we are on this side, where in good faith, if the Deputy be worth his ears, you shall still find yourselves woefully mistaken."³ This was written the week before he sailed for England, with the cheers of the House of Commons still ringing in his ears. Strafford never disguised from himself the seething indignation that he left behind him in Ireland—or in certain quarters in Ireland.

This was a serious blunder, in the most disturbed Province in

1) C. S. P. 1641—290, 291; C. S. P. 1628—1660—239, 241. 2) C. I. XII—74.
3) L. S. II—402.

Ireland, committed at the expense of the one class in that Province, on which he could consistently rely, the small estate owner, the petty leaseholder, the cottager, "the painful people". The percolating influence of the London Corporation among the Northern merchants, the Dublin bourgeois, the Castle officials, and the financial classes was already making its influence felt. The beligerent friars of Londonderry and their allies elsewhere were a hostile influence ever on his flank. The agents and the "great tenants" were deliberately provoked, as "bad subjects", men who had "plundered Prince and people". These were of no import if the many headed multitude were content. They were not content. The Customs of Londonderry had been tightened, and the rates raised to those of the rest of Ireland. The subsidies were levied at the beginning of 1640. Suddenly on top of these burdens came the "racking of the rents". It is little wonder that they were now grumbling and growling in private corners, whispering that the Scotch "had much right on their side", that "the subject was oppressed with taxes", and that the Church—here was a bond of union with the friars and the serfs they controlled—was "trampling on the subject", the Church in Londonderry being Bramhall, the only Commissioner that was resident. "If this project",—Bramhall had prophesied—"shall take place it will be ascribed in part to me, but especially to my Lord Deputy, howsoever we are both innocent."¹

Ascribed to them both it was. Rowley the Member for Londonderry, the chief tenants, and the multitude played each in turn a great part in the imprisonment and impeachment of Bramhall, and in the monster petitions against him and all his ways. As for Strafford, two of the most influential members of the combine that manoeuvred before his collapse came from that county. The omnibus resolution of condemnation that was rushed through a thin House of Commons, protesting against his "tyrannies", urged as one of his greatest offences the wracking of the rents of Londonderry. Rowley, the sub-agent, was one of the dozen members who sat in the Long Parliament to supervise his prosecution. Clotworthy, who had been "returned by the influence of some great persons" for two English constituencies, seconded the motion for

1) C. I. XII—55.

his impeachment, appeared as a witness, and played a prominent part in the debates. It should, however, be noted that not one of the other members for the County and boroughs of Londonderry voted for the Remonstrance.

When the "wise" Commissioners wracked those rents they were indeed "woefully mistaken", and it was "the sour Deputy" who "paid for it", not only "with his ears", but with his head.

Chapter IV

THE REVOLT OF THE MIDDLE CLASSES

Formerly few, except the ambitious great, were to be feared as instruments of revolution. As money increases the persons who diffuse this money become more important. Their eyes become dazzled with a new prospect. They are electrified, and made to lose the natural spirit of their situation. A bribe is held out to them — the whole Government of a Kingdom. Envy and ambition may be as much excited among these men, and they are just as capable of acting a part in any great change.

BURKE.

There was no love lost between the Great Undertakers and Strafford. They were at opposite ends of the political Poles. The former were men of commerce, men of education, reared in England or Southern Scotland, impregnated with the idea that they were free men, who, provided that they broke no law, were entitled to do what they pleased, and to say what should be done in the Commonwealth. To them the *remedium malorum Reipublicae* was a Parliament, in which they, for the time being, had the loudest voice, or, at any rate, thought they would have the loudest voice. This cry surges aloft in all their "Grievances of oppressed subjects", and is couched in the phrase "old Parliamentary ways", so called because they were novel. To them Parliament had the right to repeal these Covenants. If the King and Strafford refused to accede to the demands of the People's Chamber, had not the People's representatives the right to refuse supplies? This was the standing rule in England. Because they had come to Ireland were they to doff their liberties? Perish the thought! Here they were, applauded by the serfs, *personae gratae* with the priests, hail fellow well met with the bourgeois of the Pale and the Sons and Grandsons of the Tudor officials, by no means an insignificant gathering of "civil" persons, who too were beginning to learn the mystery of "old Parliamentary ways", the *Magna Charta*, and other new

doctrines that trickled over from London. Could not two such powerful parties form a majority in the Commons, and rule the land much better than "a sour Deputy"? Had they not both grievances, aye and "oppressions". By what Act of Parliament had "those in corporations" been deprived of their right to fix prices and impose "town bargains"? By what Act of Parliament were "civil" gentlemen of the Pale compelled to pay feudal dues, ancient, mediaeval, and "barbarous customs", sanctioned only by phrases in their patents? By what Act of Parliament were undertakers forced to take out new patents, studded with covenants and barren of manors? All these things were done by the Prerogative. Who was this Deputy that he should take some musty document, and, on the strength thereof, "intimidate the subject to forego his rights", by threats of escheat in a Court of Law? Were not "ancient aldermen", "civil and loyal men of the Pale", and "Undertakers introduced for civility" quite as good as this Deputy and his Council, and was not a Parliament the proper place in which to do these things, a Parliament "representative of this Kingdom", in which these elements were the most active, the most eloquent, and the most powerful at that particular moment.

Opposed to them was a Deputy, whose views on that subject were as follows. "These Landlords and great money men ease themselves of the levies, and lay them upon the poor and bare tenants. These Lords of the Pale are the least sensible of the dignity of the State that ever I knew. The reason is plain. They would have nothing more great or magnificent than themselves, that so they might lord it more bravely and take from the poor churl what and as they pleased. I will join four Commissioners of my own to those of theirs (the Parliament) to see that all things be carried to His Majesty's princely regard of his people, that the burden may lie on the wealthier sort, which, God knows, is not the custom in Ireland." "The longer he lived", wrote Radcliffe, "his experience taught him it was safer that the King should increase in power than the people. That may turn to the prejudice of some particular persons. This draws with it the ruin of the whole."¹

The Civil gentry of the Pale were, in a way, very like the

1) L. S. I—238, 348, 401; II—434.

Undertakers. They were either the sons of the bourgeois or the sons of the officials. All Saxon and Norman history in England shows that the mainsprings of revolt were these two classes, who having consolidated themselves in the body politic, now aimed at its domination. The thegns of the Saxon Kings, the barons of John, and no small part of the Lancastrian nobility were drawn from the classes that had just "arrived" and had yet to learn that they were not almighty gods. The distinction between them and the Undertakers is that the former only agitated for "old Parliamentary ways" as a means to an end. In 1642, when the "civil gentry" found that they could not control the Irish Parliament they seceded, and erected a soviet of their own, called the Catholic Confederation. When they found that the priests controlled it they became Royalists. On the other hand the Undertakers, being Englishmen—a race remarkable for its pathetic belief in Liberty—clung desperately to the idea of a single Chamber Government, and it took nine years of bloody wars and Cromwell to convince them of the error of their ways.

What, however, to a certain extent facilitated this alliance was that many of the Pale gentry were Undertakers. Lord Delvin, Westmeath, Taaffe, Sir James O'Carroll, Lord Esmonde, Sir Patrick Barnewell, Richard Sutton, Robert Cheevers, and other leading lights in the politics of that period had exactly the same grievance as the great Undertakers against Strafford, in regard to his enforcement of the Covenants, and his fines on over measurements. Leland—on what authority I do not know—says that the Plantation of Longford was more reorganized and reshuffled than any other. If that was so, and a complaint of "the inhabitants of the County of Longford" is correct, Robert Dillon of Kaners-town, Hubert Dillon of Killireninen, Sir Christopher Nugent and Thomas Nugent—all pillars of the Catholic Confederation—must have been hailed before the Defective Titles Commission, and there suffered "oppressions" for passing "One thousand acres in the name of a cartron".¹ Hadsor, the clerk of the Irish Committee of the Imperial Council, held strongly that, in Leitrim, Wexford, and Longford "Irish gentlemen appointed to distribute the lands helped themselves to the lands they were set to distribute among

1) H. I. M. II—294.

others".¹ His charge is corroborated by other documents.² Certainly Longford was a Plantation whose Covenants had been far more honoured in the breach than the observance.³ Accordingly, as many of the Catholic Confederation potentates were Undertakers in the slovenly administration of the earlier Plantations, they were therefore bound to pick a quarrell with Strafford, when he tried to re-organize these Plantations on a scientific basis.

The controversies over these Plantation overmeasurements and patents spread right through the body politic. The quarrell with the Earl of Cork began with a Plantation advowson, which the Earl alleged was passed inappropriate and therefore defunct, and Strafford asserted was a bona fide Church living.⁴ Sir Edward Denny, one of the Munster Undertakers, was fined £ 500, and compelled to bring in eight colonists.⁵ By his Elizabethan indentures he was bound to people all his 6.000 acres with colonists, but preferred instead to leave it entirely to natives, thus drawing close on £ 400 rent for a headrent of £ 100, which he seldom paid, the land being according to him "depopulate".⁶ The reason Strafford, however, forced him to compound, was that, without warrant of any kind, he had inserted in his patent old native chiefries the Crown had meant to abolish, and, under cover of 6.000 acres, had passed an area 30 miles in length and 18 miles in breadth.⁷ Is it any wonder that, when the news of Strafford's arrival reached Kerry, Denny wrote in his diary "23 July 1633. The Lord Viscount Wentworth came to Ireland to govern ye Kingdom. Manie men feare".⁸ One understands therefore why he voted with enthusiasm for the Remonstrance, which declared that "the gentry of this Kingdom are of late by grievances and pressures brought very near to ruin and destruction".⁹ His Borough was Tralee, whose control he shared with the Earl of Cork.¹⁰ One of its members Henry Osborne also voted for the Remonstrance.

The same question undoubtedly caused that coldness between Strafford and Sir William Parsons, the latter of whom had been responsible for all these overmeasurements. "I will endeavour", Strafford wrote in 1635, "to discover as far as I can into these

1) C. S. P. 1632—681. 2) T. C. D. F. 3. 16. 3) T. C. D. F. 3. 15. 4) R. P. VIII—175. 5) H. I. M. I—55. 6) C. S. P. 1592—57, 59. 7) Egmont M. S. S. I—109; C. S. P. 1589—193. 8) H. I. M. I—52. 9) R. P. VIII—13. 10) C. S. P. 1611—223, 303.

abuses and the authors of them. If we are once able to set the saddle on the right horse, there are some that will be deeply answerable for it."¹ At one time there was a rumour of Parsons' dismissal, but nothing came of it.² It is more than likely that Strafford did not wish to wash the dirty linen of State in open public, when there was no apparent gain. He says himself that he forebore to inquire how the officials shared among themselves the percentage they had deducted from the fine to the King on new patents.³ The effect of this feud was that William Parsons, Junior, voted for the Remonstrance, the wily Master of the Wards not showing his hand on that occasion. One of the articles of Strafford's indictment, however, was drafted by him, and despatched to his kinsman, Richard Fitzgerald, one of the Committee for the prosecution of the Deputy.⁴

One must not assume, however, that Strafford's enforcement of the Plantation Covenants turned every Undertaker against him. Far from it! Many had amply fulfilled their Covenants. Sir George Hamilton is one example.⁵ His management of the Munster Silver mines was one of the bright spots in the murky history of that period, and the fate of his unfortunate workingmen at the hands of the rebels one of the most notorious incidents of the rebellion.⁶ Strafford was anxious that he should also become one of the Connaught Planters.⁷ Lord Robert Dillon, St. Leger, Lord Cromwell, and Lord Caulfield were other Undertakers, who had either not broken their Covenants, or, where there was a defect, compounded and thought no more about it. One must remember that, glaring as were the scandals of the Plantations, there were very many who had done their best to carry out their contracts honorably and well. As the Council one time reported "the defects of a few have brought disgrace on the whole, which defects have caused much murmur and slander among the natives", who, not unjustly, pointed out, that they could have farmed these territories quite as ably as those, who simply sublet them to the creaghts and lived in London.⁸ Besides those who had not broken their Covenants were those who had found them impossible to perform. Sometimes colonists were hard to procure. Sometimes their capital

1) L. S. I—406.

2) L. S. I—217.

3) L. S. I—132.

4) R. C.—232.

5) C. M. S.—409. 6) L. S. II—95; H. I. M. II—37, 39. 7) L. S. I—494. 8) C. S. P. 1621—325—326.

was not sufficient. To many therefore the new departure was welcome. In one way the Strafford indentures were easier than the old. They did not compell the Undertaker to people all his Estate with colonists. The new patents also freed an undertaker compounding from the dread of escheat which menaced him through all his previous failures.

Besides the Undertakers there were also the petty Colonists, pouring into Ireland all during this period. The native Gentry were very glad to get them, as they were good tenants, never involved in "combustions", and they undoubtedly developed an estate, being usually small capitalists of industrious habits. On Phelim O'Neill's estate there were "about five and fifty persons of English and Scotch, tenants to the said Phelim, who had great stock of lands and ploughs going and lived plentifully and peacefully, and were, to the examt's apprehension, well beloved by their neighbours the Irish".¹ The depositions of the Mayo Massacres show some four or five hundred English tenants and labourers, in a quarter where there was only one English Landlord, who could scarcely have been the patron of them all.² Sir Edward Butler had about a dozen such in County Kilkenny.³ A deponent, Barnaby Dunne of Brittas in Queen's County, said he had English tenants to the number of "twenty and upwards".⁴

It is to be feared that the tradition that the Jacobean and Carolean settlers were imported by the Government on to Plantation lands is not correct. The largest immigration in Ireland was in Down which was not a Plantation area. No student of the depositions on the massacres can help noticing the long lists of English names and descriptions of English settlers in districts where there had never been an escheat, where they had simply come as settlers, attracted by cheap land, which they purchased or rented from the freeholders. In Clare, for instance, quite a large number of Dutch and English had settled on the Earl of Thomond's demesne, some of whom were responsible for the foundation of Ennis, and many of whose names, like Vandeleur and Hickman, survive to the present day.⁵ These constituted a small but effective ballast in the body politic, by no means anxious for great ventures on constitutional changes. One thing however, is worthy of note.

1) H. I. M. I—203. 205. 2) H. I. M. II—1—9; I—390—399. 3) H. I. M. I—56. 4) H. I. M. II—81. 5) T. C. D. I—5—27.

A very large number of the borough members voted for the Remonstrance against Strafford. Some, of course, were mere nominees of the great Undertaker or the Pale Lord. Others were very much the choice of the local Roman Catholic Bishop, with whom honest bourgeoism was always very anxious to keep on good terms.¹ Of the little Boroughs 30 members voted for the Remonstrance, and 24 went into Rebellion before the spring of 1642.

Apart, however, from these two considerations there is a third element to be considered. Some of these Boroughs were profoundly affected by Parliamentarianism, the burgesses being men who read and traded and had minds receptive of new ideas. Great movers of revolution emerged from these Boroughs. Hardress Waller sat for Askeaton before he sat for Limerick City. Gough, Cromwell's escheater-general, sat for Youghal, where his ancestors had been very conservative bourgeois since the foundation of that town. A Monke sat for Strabane, and later for Limavady. Audley Mervin, who really led the House of Commons in the year 1641 in their attack on the Prerogative, emerged from a Northern Borough. The Ulster Boroughs also returned Phelim O'Neill and his uncle Bryan, not from any zeal for "the old Septs", but to mark their intense hostility to the Stuarts by throwing in their lot with men who were openly at that moment preaching sedition. The "names of those who claimed as or in right of soldiers serving the Commonwealth" show very clearly how strong the Parliamentarians were in the Irish Cities. All the bourgeois names of the Great Corporations, the new and the old Boroughs, Byssie, Barrett, Byrne, Codd, Dillon, Fenton, Foley, Jephson, Jones, Loftus, Moore, Oliver, and many more adorn the list of Broghill's, Coote's, Jones', and Cromwell's levies.²

All this meant that, while the bulk of the Planters were pacific, their leaders were very restless. All Strafford's career was one long wrangle with the great Undertakers, while, if we except about eight or nine men, he seldom had difficulties with the Irish aristocracy. With the Lords of the Pale it is true Strafford had on occasions some sharp tussells, especially in Parliament. All Portland's testimonials could not make him regard Lord Netterville

1) L. S. I.—432. 2) I. L. G.—411—425.

as other than "well replenished with insolence in himself and ill affections towards the State".¹ Fingall he described as stingy agitator of others at the expence of others.³ He ascribed, however, the greater part of the Pale hostility against his administration to the agitations of the priests, who knew he was no friend of theirs, and were, at this period, anxiously seeking to pick a quarrell with the Government. "The friars and Jesuits are afraid that laws which conform them to the manners of England will lead on to a conformity in religion. If they (the Pale Party) were not distempered by the infusions of these friars and Jesuits they would still be as good and loyal to their King as any other subjects."²

Apart, however, from these particular cases it is worthy of note that the majority of his enemies were Undertakers, and it was from Undertakers that his greatest difficulties arose. Cork, Mountmorris, Ranelagh, Clotworthy, Balfour, and Cole, all of whom engineered the Remonstrance, or took part in his indictment were Undertakers, who fell foul of the Deputy on the question of tenures, covenants, over measurements or absorption of Church lands. Neither Sir James Montgomery of Down, or Lord Claneboye of Ards could be trusted in the Scotch Rebellion to do their utmost to preserve the Peace and the Commonweal.³ Both were already at loggerheads with the Government over the undesirable kind of Scotchmen they "entertained" on their estates. In 1619 official dovescots had been much fluttered over the intrigues of O'Neillite priests, "the harkening after the Duke of Argyle", and that "the red shanks, by the ports under Sir Hugh Montgomery and Sir James Hamilton more frequently convey themselves to and fro".⁴ All this meant constant vigilance in Down, and Claneboye and Montgomery were sulking in their tents over the escheat of a large area of Church lands that had been discovered as "usurped" in their patents.⁵ Claneboye confined himself to muttering that "the Covenanters would be glorious to posterity", but Strafford, "laid the words aside in Lethe", holding the time not ripe to descend on that astute Scotchman.⁶ True it was that Claneboye was one of those whom Strafford cajoled into a public petition that the oath of allegiance be tendered to every Scotchman.⁷

1) L. S. I—340. 2) L. S. I—351. 3) L. S. II—254. 4) C. S. P. 1619—243. 5) L. L. VII—368; L. S. II—343. 6) L. L. VII—509, 538. 7) R. P. VIII—344.

Strafford made him one of the Commissioners also to tender the oath to his tenants and dependants. According to his own account he took drastic action with a Rev. John Bole, who refused to swear that he would not enter any illegal association.¹ The fact remains, however, not only by his own letters, but according to Strafford that large numbers of the Scotch did not take the oath.² It subsequently leaked out that he had kept at his house some of the most active of the Covenanter agents, and that the splash that he made over the arrest of John Bole originated in an agrarian dispute.³ Neither of his two relatives, however, who sat for Co. Down Boroughs voted for the Remonstrance, but, on the other hand, the signature of another kinsman, Archibald Hamilton, who sat for an Armagh Borough, appears in the Remonstrance. The Down Hamiltons obviously hedged.

The Montgomerys however, were far more active. The original Lord died in 1636, "universally revered, loved and obeyed by the Irish", like many more of these great lessees of Crown Lands.⁴ His son, the next Peer, was an invalid, but Sir James Montgomery the uncle was a very stirring personage. Lord Coventry, the Lord Chancellor, said that Claneboye was "a wise and discreet man, and much better tempered than the other", which explains why of these two leaders of Northern Nonconformity, one was so reticent, and the other so remarkably active. There was also much bad blood between them.⁵ Sir James and his brother were the only two of the Scotch Landowners who would, at first, not sign the petition to impose the oath of allegiance on Scotchmen.⁶ "Sir James, "said the Deputy" you may petition or not petition as you will, but, if you do not, you will fare worse." Then "seeing the Deputy had resolved so" he gave way, and subsequently complained to the Long Parliament that he was intimidated.⁷ He and the brother were the only two members from County Down that voted for the Remonstrance.

Wherever one turns one encounters an Undertaker demanding his rights loudly and clearly, and lifting up his voice in popular conclaves as befits a free Englishman in a strange land, to whose mediaeval ordinances, restrictions, and customs he will not submit.

1) L. S. II—382—385. 2) R. C.—208. 3) M. M.—35. 4) Montgomery Genealogy. Mrs. Reilly—41—42. 5) L. S. II—94. 6) R. P. VIII—500. 7) R. P. VIII—492.

Hardress Waller of Limerick—one of the Earl's of Cork's henchmen in matters financial—emerged on the occasion of the Plantation of Ormonde. Strafford had traversed Tipperary, Limerick and Clare midst much oratory, pageantry, and blowing of trumpets. Royal titles had been found in every County. This was the hey-day of the Deputy, because, when three such large Countries as these vested compulsory powers of division and allotment and Plantation in the hands of the Government, it meant that confidence in the Deputy ran high. "I could never have believed", he wrote to Conway, "to have found men with such alacrity divesting themselves of all property in their estates, and waiting to see what the King will do for them. I, that am of gentle heart, am much taken with their proceeding and the skill and breeding of their great expressions of affection and esteem."¹

There were, however, lurking elements of discontent. There was, for instance, scarcely a Corporation that was not in illegal possession of College and School Lands, which things always came to light, when the Commissioners demanded a discovery of documents.² Limerick Corporation was very surly, though Strafford had knighted its mayor and given it a Cup, value £ 60. One of its leading lights perpetrated the following epigramm.

"THOMAS-VVAENT VOORTH
HOMO TORVETOS SATHAN",

which was scarcely complimentary to the countenance of "the sour Deputy".³ Add to this that the greater landed proprietors always preferred a simple surrender and regrant to the more complicated consolidation of tenures through a Plantation, and one can understand why Sir Edward Fitzharris, the leader of Limerick recusancy, Alderman Dominick White and Alderman John Creagh all signed the Remonstrance.

The greatest of the four members from Limerick, however, was Sir Hardress Waller, the Puritan leader. He was a man of considerable wealth and great popularity, who like others "had had losses". One of the notorious facts about Limerick was that the sea had receded some distance, leaving some lands of no little value, and on these divers persons, including Sir Hardress, had a kind of mysterious lien. Anyone with a knowledge of public

1) C. S. P. 1637—168. 2) T. C. D. F. 3. 16. 3) T. C. D. 1. 5. 27.

parks and lands in Ireland will understand the slow process by which they become private property. These lands were Crown Lands, and it was one of Strafford's maxims that revenue should be paid, not by taxes on the industrious, but by compositions with "usurpers" of sources of revenue.

At this period many public functions were fulfilled by private contract. It was customary for one who had some means of improving the Commonweal, or the Revenue to first do the deed at his own expense, and then to petition for recompense and a reward. Several persons had been nibbling at these marsh lands. Endymion Porter, the Court 'Projector, reinforced by Jas Cusacke, the Secretary of the Defective Titles Commission, and one Cornelius Cronin, a retired soldier, had all mooted the subject but with no success. One has a faint suspicion that Porter and Cusack, who had a Royal warrant on the subject, compounded privately with the owners or squatters.¹ Lord Robert Dillon and his son Sir James then undertook to prove a title in this case. They paid the legal expenses of proving before a Commission that these were Crown lands. The matter then came before the Defective Titles Commission, who fixed a rent and a fine upon these tenures. Certain of the squatters did not pay either fine or rent. The Crown was accordingly without its rent, and the Dillons without their recompense. The whole marsh lands were accordingly passed to the Dillons to remedy this. Those who had compounded were to get their tenures. With those who had not paid, the Dillons were allowed to make what arrangement they pleased, eviction or composition, but they were to pay a State creditor £ 1,500 out of rents and fine. The whole incident shows the Carolan method of administration before the creation of Government Departments.

Hardress Waller was deeply interested in these lands. In the Summer of 1640 Strafford wrote to Wandesforde ordering him to safeguard any legitimate interest of this owner, who should be "remembered at leisure".² Wandesforde's reply was significant. "He hath some vogue in the House of Commons where he compliments with the King, but votes against us."³ Waller, as we know, was a very astute Parliamentarian. He was subsequently a soldier of no mean repute. Like Clotworthy also he seems to

1) C. S. P. 1625—1660—226; 1633—11; 1639—208. 2) R. C.—206. 3) R. C.—212.

have had friends in every camp. The other Limerick Members, with whom he worked on this occasion, were by no means of the same opinion on matters of Church and State. He next appears as one of those who signed the Remonstrance. He then adjourned to England as one of the prosecuting Committee. That Committee, as we know, subsequently split on the question of the Plantations, and split right along religious lines. Hardress Waller was the only Protestant member of the section that petitioned the King to take a surrender and regrant of Ormonde and Connaught in lieu of a Royal Title and a Plantation. The wording of their petition was specially devised to cover Waller's case. "On behalf of the inhabitants of Limerick and Tipperary, whereof offices have been found for the King, we offer to the King a continuance of the present rents."¹ The King, assuming this to be a matter only affecting Plantations, granted the Grace. At one fell swoop the State lost its £ 1,500, the Dillons lost their expenses, and the freeholders who had compounded saw those, who had not, get quite as good a title as themselves, amongst whom was Hardress Waller.²

Other Undertakers appear in wrath and fury, and the wrath and fury of some of these Undertakers was very unlovely. Sir John Clotworthy badgered poor old Laud almost to madness as he stood on the Scaffold waiting for the execution.³ The Irish House of Commons—and they were led in this matter by Mervyn, Montgomery, Gore, Champion, and half a dozen other Undertakers,—would have tried Bolton, Lowther, and Bramhall, and sentenced them to death for nothing at all, if Poyning's law had not stood in their path. In the very same breath as they passed a bill of Pardon exempting from all prosecution men guilty of burglary, libel, theft, and highway robbery, they added a proviso that the two judges and the Bishop should be exempt from any pardon for alleged peccadilloes, which they described as "treason", and it is hard to say whether the Ulster Undertakers or the Pale lawyers and bourgeois were more bitter on the subject.⁴ At this period—in fact at all periods when the bonds of society are loose, or not firmly welded, passions get very fierce.

1) C. S. P. 1641—270. 2) C. S. P. 1641—282. 3) L. L. IV—438. 4) C. S. P. 1641—288, 289, 297, 308—310.

Most historians forget that England had enjoyed internal peace—and that of a very superficial character—for only two or three generations. The reigns of Edward VI and the earlier days of Mary were pandemonium and anarchy. Scotland had been in chaos up till the middle of Elizabeth's reign, and had undergone some very serious shocks since then. Ireland was the latest to come under what we call the Pax Britannica and the veneer was very thin. The Undertakers as a rule were more peaceful men than the Irish Lords and gentry, but the latter had known what civil war was, and the former had only heard of it from their fathers. An Irish Lord might beat a Sheriff and an Irish gentleman might "take to the woods" to avoid a process, but, when it came to altering the basis of the State and building Society anew—they shrank from that. The Elizabethan wars had taught them much. The great Undertakers, on the contrary, had lived all their lives behind the protection of the Crown, and did not realize what would happen if it fell. Accordingly Strafford found that his greatest difficulties proceeded from the Undertakers, who had yet to learn that Ireland was not England, that, whereas in the latter country it is often a mark of manhood to trip up a Government, in Ireland it is a mark of "an ill disposed subject". So firmly fixed is the tradition that the Undertakers were pillars of constitutional pacificism that it is necessary to quote some extracts to show the reason for that sharpshooting that went on between Strafford and a large body of wealthy and seemingly civilised landowners.

"Sir Edward Herbert has been appointed sheriff for seven years and his extortions and violence have put the inhabitants in fear of their lives".¹

"Particulars of injuries done to the Lord Roche by Edmond Spenser, George Browne, Hugh Cuffe, Justice Smyths and Arthur Hyde."

"Falsely pretending title they have taken 16 plow lands. By threatening and menacing Lord Roche's tenants and seizing his cattle and beating his servants they have wasted 6 plough lands".²

Sir Edward Herbert accused Sir Edward Denny—and with a fair amount of truth too—of levying Coigne and Livery in true

1) Answer of Lord Deputy Russell. C. S. P. 1596—523. 2) C. S. P. 1589—247.

baronial fashion, of threatening with divers penalties anyone of his tenants who dared to "recognize" the local quarter-sessions, and of "entertaining" pirates.¹

In the reign of James two eminently respectable planters "rushed" an Inquisition with a large multitude, "beat and battered a witness", and used threatening and abusive language towards the Court—"garron stealers and rebels",—for which they were duly fined and imprisoned.²

Great Britain was by no means such a land of peace as many assume, nor did its denizens love the law with such fervour as rhapsodists sing. The Governor of the Isle of Man "entertained" the pirates who ravaged Dublin Bay.³ At the very Council Table in London two great noblemen rushed at each other's throats and had to be separated by their colleagues.⁴ Lord Morly appeared at Court in "a high distemper of wine", and created considerable pandemonium, "punching" a gentleman in the chest, "and catching him by the throat".⁵ Lord Digby, when summoned for smiting a foe in the face "in the King's Garden", was acquitted on the grounds that he did not know it was the King's garden, but thought it was a public place.⁶ Sir John Suckling—"famous for nothing but that he was a great gamester"—beat with a cudgel "almost to a handful" a rival to his lady love.⁷ Page after page of the Domestic Papers of England is adorned with riot, assault and battery. The English were quieter than the Scotch, and much quieter than the Irish, but they were not the paragons of constitutional pacificism that their friends and their enemies assume. There is a very savage element on the Anglo-Saxon character, and there were men still alive whose fathers had played a part in the rebellions in the reign of Edward VI.

Bagehot is the only modern historian with either the perspicacity or the honesty to point out that the civilization of these Islands is but a veneer. "The condition of an elective Government is a calm national mind, staple to bear the excitement of revolutions. No barbarous, no semi-civilized nation has ever possessed this. The mass of uneducated men could not now in England be told "to go choose their rulers". They would go wild. Their imagination would fancy unreal dangers, and the attempt at

1) C. S. P. 1589—189, 191. 2) Egmont. M. S. S. I—41. 3) L. S. I—127.
4) L. S. I—177, 178. 5) L. S. I—225, 335. 6) L. S. I—262. 7) L. S. I—337.

election would result in forcible usurpation. August institutions in this free State prevent this collapse. The excitement is prevented by the apparent existence of an unchosen ruler. One of the most curious peculiarities of the English people is its dislike of Executive Government. We are not in this respect like the Americans. They conceive the executive to be their agent. Our freedom is the result of centuries of resistance, more or less legal, more or less illegal, more or less audacious, or more or less timid to Executive Government. The natural impulse of the English people is to resist authority. The introduction of policemen was not liked. I know old people, who, to this day, consider them an infringement of freedom. If the original policemen had been started with the present helmets, the result might have been dubious, the inbred insubordination of the English people might have prevailed over the very modern love of perfect peace and order."¹

All these things have to be considered in dealing with the Planters of the 17th century. "The servile Planter Parliaments" of orthodox history are a fiction. In Strafford's Parliaments the Planters by themselves were in a minority, and it was the native element that supported the Prerogative and the Planters who stood out for "the old Parliamentary ways". If there was any "servility" in those conclaves it lay in the native aristocracy. Bitter experience had taught them that a bad Government is better than none. The Undertakers, however, held the modern doctrine that no Government is better than good Government.

To realize clearly how thin the veneer of civilization and how weak the authority of the law was, one should note that, for no breach of any known law, the Long Parliament executed both Strafford and Laud, and then, because they could not establish a single Chamber Government and get all they wanted in 12 months, they rushed violently to arms, and actually utilised for their political aims, the money that had been subscribed by ordinary citizens to restore law and order in Ireland, and to feed and clothe the shivering, stripped, and starving Protestants.² This is what Strafford said of one Great Undertaker that he was as "guilty of as many outrages as ever Visier Pasha did under the

1) Bagehot, *The English Constitution*—256, 257, 286, 187.
Memoirs, II—113, 114.

2) Clarendon

Grand Seignior"; of another "his violence and assurance in his own particular appetites are, on this side, understood for such as show their metal equally, be the cause good or bad", and of a third "such are his troop that I should rather look to have one of them teem a pistol unto my back than that any amongst them could hurt a Covenanter", which was the first occasion on record that an Irish Deputy ever doubted the loyalty of one of the officers or the men in the Irish Army.¹

Of course no small part of the strained relations between Strafford and the Great Undertakers was due to the fact, that, till he came on the scene, they really ruled Ireland. The Irish aristocracy and gentry seldom interfered in matters of State. They were there of course, a huge solid and conservative ballast, living on their estates, and worrying no man, if left alone. In Ireland there were twice as many tenants-in-chief as in England.² In County Cork Cromwell's Survey or General said that it might be possible to escheat 900 estate owners for complicity with Royalism or rebellion, and this makes no mention of those who were Parliamentarian, or took no part in the wars.³ In Wexford—a Plantation County—the same worthy cast the shadow of probable escheat over 600 such, all Irishmen.⁴ In County Monaghan the Elizabethan Government had established over 300 freeholders.⁵ South Down was a hive of Royalist Magennis. No less than nine of them received special letters from Charles II for special services tendered to his father in his misfortunes.⁶ Of the O'Neills of Ulster, Con of Ardgonel, Hugh "of the Province", and John who had settled in Tipperary, were likewise given the Stuart "order of merit", while Daniel of Down, Henry of Killeleagh, and Sir Henry of Antrim, all appear among the chief of the Restorees.⁷ This huge class were led by men like Thomond, Ormonde, Kerry, Lixnawe, Merriion, Westmeath, and Roscommon. Not more than fifteen per cent. of the Native Irish Peerage even touched the semi-Royalist Catholic Confederation. This class very seldom touched politics. The State Papers never mention them. Occasionally one would ride up to Dublin with a petition. Sir Henry O'Neill of Antrim, for instance, one time

1) L. S. I.—245; II—285, 272. 2) T. C. D. F. 3. 16. 3) I. L. G.—273, 286.
4) I. L. G. 265, 273. 5) I. I. Ulster XXII—XL. 6) P. R. J. 190—191; I. L. G.
427, 429. 7) I. L. G. 427, 449.

paid one of these State calls, with a letter of introduction from Conway, who genially described him as one who did "like a Papist think it sauciness to come to the supreme power without an intercessor, an honest man, an Israelite in whom there is no guile".¹ When Strafford went on progress in Munster they crowded round him, paid their respects, and then went home. In their eyes politics were a matter for the King, and those to whom he entrusted them. Was it not his Kingdom? Was it not he who had conquered it with his troops? Had not he and his predecessors freed them from the old thraldoms, tyrannies, coshierings, and a state of Society in which "Great Ones" kept a gallows on their lawns, and declared war when and on whom they pleased? What business was it of theirs what the King did with his own? Such was the simple creed of the ballast. Pale Lawyers and Undertakers regarded them as poor spirited persons, and got a rude awakening when Ormonde and Inchiquin brought them out in the debacle. The civil wars had one merit. It taught both the Undertakers and the "Civil gentry" that they could neither conquer nor control Ireland.

With this spirit permeating the bucolic squires, the great Undertakers had matters very much their own way. They were all related to each other, and the Officials in the Castle. Clotworthy, Ranelagh, Parsons, Cork, Moore of Drogheda, Loftus, Clanebovel and Montgomery, were all connected by some tie or other. On the Council Board they were supreme. In Parliament they controlled many seats. Their only rivals were the previous generation of officials and thegns, the Pale Nobility, squirearchy, and bourgeois. They also were becoming "tumultuous". Nearly all the leaders of the Pale Party were owners of Abbey Lands, and the most unpopular Act of Strafford's Vice-Royalty was the act of Parliament by which an owner of an advowson had to induct a vicar, and could not escheat the Glebe, thus abolishing the good old days when it was "quite common for an owner of an Abbey benefice to give his curate £ 5 and enjoy £ 500".²

Accordingly when Strafford broke up the political ring, and set himself to make the King and no one else the Master of the Kingdom, he challenged the only two political parties in the State.

1) L. S. I—414. 2) T. C. D. F. 3. 16.

"I will have no intermediaries between the King and his subjects" he told Lord Fingall.¹ "I have dispensed justice", he told the King "without acceptance of persons, so that the poor know where to seek and have his relief, without being afraid to appeal to His Majesty's Catholic Justice, and the Ministers of Justice cannot serve other men's unwarrantable purposes".² The policy had its merits, but it was anathema to those who had before, or hoped yet to loom large in the public eye, as those who—the phrase is Strafford's—"like to have it believed that the vulgar, forsooth, depend on them". The Great Undertaker with his large retinue "all servants, tenants, and followers Irish", and these, alas, often "not the industrious tenants", but creaght owners and hangers on—this great Undertaker looming very large on the horizon, could not but turn a surly eye towards the new regime, in which he, forsooth, was told he was a subject. Strafford's Viceroyalty accordingly marks a temporary rapprochement with the gentry of the Pale. If the Undertakers had altered their Plantation estates into soccage tenures, so too, had gentry of the Pale, Sir Patrick Barnewall, more than any one else.³ One of Strafford's perpetual activities was to recover "the King's tenures", the terms on which the estates were originally granted. If honest gentry of the Pale were hit by the advowsons' legislation, so too, were the Ulster Undertakers beyond any in the country. As we know, in the end, they both combined to "remonstrate" against Strafford's Government, and the Committee that prosecuted him was made up equally of both parties, the formula on which they united being "the tyrannies of prelates and the barbarous customs of the Church". This Laud had once prophesied "I have often seen by experience in England that Protestants and Popishly affected do for factious ends join against the State".⁴ The formula was successful, and the "factious ends", reductions of feudal dues, abolition of Covenants, and "Moderation of Arbitrary Government" were all achieved. Then both parties fell out over the offices of State, the Plantations, the question of religion and a hundred other points, and, there being now no Government, resorted to slitting of throats.

Pending this rapprochement, however, there was a multitude of little skirmishes on every available subject. A Pamphlet ap-

1) L. S. I—240. 2) L. S. II—18. 3) T. C. D. F. 3. 16. 4) L. L. VII—100.

peared in the North accusing Laud of a multitude of clerical misdemeanours as early as 1636.¹ Strafford refused to take any notice, as it might "make the men that write the cartel take themselves to be more considerable than they are".² A man called Archibald Bole had to be haled before the Castle Chamber for libelling the Queen, whose religious and political activities were a positive temptation to that large body of persons who seek to add to their own importance by pointing out, that others are worse than themselves.³ Then one Robert Smith of Kilkenny, a protegee of the Earl of Cork, got involved in a libel action.⁴ The details are rather vague, but Strafford says that it was part of "a most abominable and malicious conspiracy to ravish Sir Arthur Blundell of his estate, life, and good name". Blundell, a Kilkenny land owner who was one of Strafford's Colonels, had enemies in high places. It was on his complaint that Lord Mountmorris had been convicted of "extortion".⁵ Smith was fined £ 1,000, his partner in the affair, a Northern Planter of the name of L'Estrange, being not only fined ten times the sum, but ordered to stand in the pillory.⁶ These fines were reduced, but, despite this, influence in London procured a signet letter ordering his pardon.⁷

This was one of Windebanke's creations, as Coke would never let a signet letter through, till Strafford's opinion had first been heard. Laud distrusted Windebanke. Strafford regarded him as one of the causes of the King's downfall. The following letter of Laud's shows "the ways of Courts". "I am sorry for what you say of Windebanke, to not only gather but catch money on all sides. I see the proposition is true in Divinity—he that by God's goodness hath power to resolve, hath not the power to refuse the gold that offers itself. You seem to notice these things more than I."⁸ Probably it was but a gift, and not a bribe. The line between them was very hard to draw. Strafford solved the gift difficulty by taking no gifts whatsoever.⁹

Needless to say, this signet letter caused an uproar. That a Court of Law should be upset by influence at Court was in Strafford's view "scandalous to public justice, discouraging the judges, making the sentences of the Court *bruta fulmina*, and blunting

1) L. L. VII—301. 2) L. S. II—14. 3) L. S. II—207. 4) C. S. P. 1632—610, 677; 1638—183. 5) L. S. I—402. 6) C. S. P. 1638—183. 7) C. S. P. 1639—209. 8) L. L. VII—491. 9) L. S. I—161.

that great weapon in the hand of the King—the Castle Chamber—whereby we contain this people in sobriety and duty”. The letter was “stayed”, but the fact that a signet letter could be procured by men like Robert Smith gave hopes to others.¹

No small number of Undertakers got letters from Court recommending that they should pass their estates with a complete pardon for former breaches of Covenant. Sometimes they were but petitions forwarded to him from London for reply.² Twice they were warrants, procured absolutely without Coke’s knowledge.³ Strafford’s refusal sank deep in one of these cases, that of Lord Annandale, who, in the Vice-Regal presence, in broad Scotch announced that the Covenanters were a “very gudely parsons of men. A gudely sihte it was, as in gude fath liken me inteel my vary hert.”⁴

The other case was Sir Archibald Acheson. He was refused. He, however, returned to the charge with a proposal that all the financial rules of the Irish Treasury should be dispensed with in his favour. Strafford’s standing rule was that no Crown debts should be paid till Parliament voted the subsidies, and, only then, after Parliament itself had gone through those debts, disowned some, compounded others, and paid others in full. Pending this, Strafford only paid current accounts, and declined to run the risk of “the infinite disorder such letters as Sir Archibald Achesons will procure. And what about the importunity it will kindle in others, now quiet? No sooner will they see Sir Archibald prevail, but you shall have them by the dozen and I will never see the debts of the Crown struck off”.⁵ Acheson still persisted, and again Strafford declined to have “the rule broken for him to turn loose on us all manner of importunity”, the total State debt being £ 80,000, with a deficit on the yearly account. “I wish this earnest pretender were persuaded to understand himself.”⁶ A third recommendation brought forth very little fruit.⁷ Parliament then met and passed the subsidies. It went through all the debts, and decreed that only the following arrears should be paid in full. Those of two Bishops and a Dean; those of “ladies by the attainder of whose husbands the revenue hath been advanced”; “poor ser-

1) L. S. II—292, 293. 2) C. S. P. 1625—1660—286. 3) C. S. P. 1625—1660—177. 4) L. S. II—196. 5) L. S. I—133. 6) L. S. I—249. 7) L. S. I—270.

vitors who have not come into estates"; "almsmen and maimed soldiers"; and "pensions granted for surrender of letters patent". Finally no debts incurred outside Ireland were to be honoured.¹ Acheson's debt came under none of the previous heads and was in flat contradiction of the last. Strafford had promised the Irish Parliament that the subsidies would be used only to pay the Irish debt and to redeem Irish farms. "The debts of the Irish Crown taken off, we may govern as we please."² Accordingly Sir Archibald went empty away, it being not advisable that "the consideration of any one man should overthrow so excellent a work".³

The constant appearance and re-appearance of the Great Undertakers with suits, grievances, lamentations, and oburgations is proof positive, not only of their political power in Ireland, but of the fact that, till Strafford came, they had matters very much their own way. They seem to have taken the place in high politics of the Elizabethan chiefs, whose uproar has led many to believe that there was no else in Ireland then but Chiefs. Acheson had hardly been routed when a very truculent planter, Sir Frederick Hamilton appeared on the scene.

He must not be confused with Sir George Hamilton, the Royalist, and the ancestor of the Abercorns, of whom Strafford always spoke calmly, and to whom Ormonde was greatly indebted during his campaigns. Sir George was the only Planter, whom Charles II inserted in the list of those to be specially recompensed for services to his father.⁴ This constant association of Sir George Hamilton with Strafford's Government—he held a farm of the Munster mines, and commanded a company—is all the more worthy of note as he was a strong Roman Catholic, like all the Hamiltons, and had been sued by Bramhall for a rectory, "usurped" not by him personally, but the previous tenant of the estate.⁵ In connection, however, with this religious question it should be remembered that great as Strafford's services were to the Church of Ireland—services which never went outside the law of the land—he never imposed a pecuniary mulct on a Roman Catholic, and never interfered directly or indirectly with the free exercise of religion. Ireland was accordingly the only country in Europe,

1) L. S. I—408, 409. 2) L. L. VII—60. 3) L. S. I—494. 4) I. L. G.—427.
5) L. S. II—95; C. S. P. 1630—499, 512, 595; P. R.—19, 20.

where a State associated with one religion interfered not one whit with the subject of another. This was why men like Hamilton, Westmeath, and Fitzwilliam of Merrion supported the Deputy with as much tranquillity as if there was no religious question.

Sir Frederick Hamilton, however, was of a more assertive type. He had seen much service under Gustavus Adolphus, and had brought with him to Ireland certain of the mannerisms of the camp. "To leave him", wrote Strafford "without cause of exception is a great work, the condition of the gentleman being considered. Here are many complaints against him, which might pass in a Swedish Army, but in no civil commonwealth. I will quiet them in the hope of his better temper amongst his neighbours." He too, as an officer in the Army had arrears due. Like Acheson he demanded them. Strafford refused. He pleaded poverty. Strafford offered to lend him the money privately. When, however, he asked Sir Frederick to give him security, and to make arrangements for repayment, the Swedish officer blandly told Strafford to pay himself out of the arrears. In other words the Deputy was "to break the rule" in order to get money due to himself. This he declined to do, but he went one better. He wrote to the King, and got from him a warrant to repay himself out of Sir Frederick's monthly payments as a Captain.¹ Sir Frederick was furious. He made frequent appeals to come over to London to demand justice.² Strafford, however, refused. He was an Army Officer and could not be spared. Also "the expense of such a journey will turn much to the weakening of his fortune, besides the extreme trouble of having him near you, being a gentleman of a strange extravagant humour".³ In 1639 there was another quarrell. "Only two companies" in the Army were found defective on inspection. One was Sir William Stewart's and the other Sir Frederick Hamilton's. "For their punishment and the example of others I staid them a fortnight's time longer than the rest, at the charge of the Captains, till I saw them perfect like the others. I shall be sure to have Sir Frederick bawling after me, as doing it out of disfavour to him. I am a poor man that have the misfortune to be continually questioned." This was written in reply to a Royal query as to why Sir Frederick was thus treated—"to be more often questioned

1) L. S. I—281.

2) Cowper. M. S. S. II—78, 101.

3) L. S. I—407.

for things I do well, than hithertoo I have been for anything I have done ill (Praise God!). His Majesty's Ministers are not like to be at much ease in this time of liberty. God Almighty grant that the excess go no higher than servants".¹ The last sentence is strangely prophetic.

There was yet, however, another battle to be fought. The loose measurements of the Ulster Plantation were a constant source of law suits. Sir Frederic Hamilton was involved in one of these suits with one Sarah Hansard. This was the case to which Strafford referred, when he spoke of his "conduct befitting a Swedish Government", there being "barretry" involved in the proceedings.² At this period, where "men of quality" were involved in law the King was the judge, and one of the reasons of the existence of the Council Board as a Court of Law was to "avoid the wasting of their estates". The personal jurisdiction of the Deputy, however, only extended to cases of arbitration with the consent of both parties. Strafford had only just come to Ireland when this case was submitted to him, and he passed it on to Lowther and Bolton to decide. They decided against Hamilton. Four years passed by in peace and quietness, when suddenly, in 1368, Hamilton resurrected a distaste for the decision, and appealed to the King "to review the Lord Deputy's decree". The reason he advanced was that Bolton and Lowther were "practisers with the opposite party".³

Of appeals from his jurisdiction to the King Strafford never complained. It was only decisions made in London without reference to him that were his *bete noir*. He once told Coke that he would never put a barrier in the path of those that "complain that the judges here deny them justice, and that, upon complaint to the Deputy, they cannot get relief".⁴ Accordingly "as soon as Sir Frederic said he would complain of me, I made suit to the King that he might go over".⁵ Sir Frederic's co-defendant was instructed to "put in security to perform the decree, in case the King found no cause to alter". It is clear, however, that Sir Frederic, in some document not to be found, must have charged Strafford, as well as the judges, with partiality. The King at first refused to hear, him, till he struck certain phrases out of his petition.⁶ Strafford

1) L. S. II—427. 2) C. S. P. 1638—197. 3) C. S. P. 1638—198. 4) L. S. I—153. 5) R. P. VIII—27. 6) L. L. VII—535.

retorted on Hamilton by charging him, in the case of Hansard, with "maintenance, oaths, and confederacies to pervert and oppose justice, and barrettry. If I make this not good against him I desire to find no credit with my master. Besides there is a certain paper he shews up and down *ad faciendum populum* to raise a cry upon me, little better than a libel, which is the ordinary accident of my life. How should it be otherwise when I have noble friends at Court who give credit to the authors and countenance their scandals. I wish some of their actions were sifted as thoroughly as mine",—an oblique reference to the Earls of Holland and Bristol.¹ Finch, Lyttleton, and Bramston tried the appeal, and rejected it.² What happened the countercharge is unknown.

It is significant of the times, the Radical feelings of the Undertakers, and their hostility to the normal course of justice that two of them—Balfour and Hamilton—were accused by Strafford of using their rural influence to defeat justice by "maintenance, confederacies, and barrettry". This is always a sign of political power and political ambition in Ireland. A class, party, or confederation, seeking to dominate the country, always strikes first at the Courts of Justice, the great protection of the subject.³

This sniping from the Planters recurred every year. Strafford's comments were caustic and angry. There was an angry controversy with a Cavan Planter of the name of Clements, subsequently a Parliamentary Captain under Sir John Clotworthy.⁴ Strafford was ordered to inquire if there was any marble in Ireland, suitable for the repair of St. Pauls, and the new palace of the Queen at Greenwich.⁵ He was in a position to provide it. He had just spent £ 100 on securing a Crown Title to a Northern marble quarry. It had been let to a Captain Dutton, on condition that he gave Strafford permission to recoup his expenditure by £ 100 worth of marble for the house he was building at Naas. On receipt of this letter he inserted another clause in the lease that the King was to have 60 ton of stone.⁶ He then received a letter informing him that the matter was now in the hands of Arundel.⁷ Arundel employed this Northern Planter who, without a word to Dutton, or Strafford, or Bramhall, the manager of Crown farms in Ulster,

1) L. S. II—285, 386. 2) C. S. P. 1640—235. 3) R. P. VIII—125. 4) C. S. P. 1646—444; 1647—616. 5) L. S. II—51. 6) P. R.—32, 33. 7) L. S. I—88.

entered the quarry, and proceeded to remove what marble Strafford had cut for his own use, and to use the very tools he had sent down. "Seignior Clements—methinks they call him—comes from the Lord Marshall and has the benefit of mine from me. The least word from the Earl Marshall and everything is his. But that Seignior Clements should out of his plenipotency lavish my interest and my money is a proceeding with which I am not acquainted."¹ To Bramhall he was calmer. "Let him go on. He can do no great harm. He will quickly leave off as they'll send him no money. Only let him work with his own tools and not mine."² Strafford was right. Arundel had no money, as there was none in the Treasury, and "Seignior Clements" after a while found that toiling in a Vice-regal quarry was unprofitable and desisted. It is indeed a curious commentary on the traditional view of Strafford's Oriental despotism in Ireland, that a subject could walk into his quarry, and seize his tools, and do so without the Deputy having the slightest power to interfere.

Other Planters flit across the Vice-regal path from time to time amidst objurgations and wrath. Lord Lambert of Cavan, though a very great Undertaker, never seems to have set foot in Ireland all during the earlier part of Strafford's *Vive-Royalty*.

This was not in accordance with the views of the Straffordian circle. Strafford himself intended to tie every Ormonde and Connaught Planter to residence.³ This policy gave great offences. On his downfall the combined forces of the Pale and the Undertakers ascribed to him "the ruin and destruction of the gentry and merchants".⁴ "There has been no oppression", retorted Radcliffe, "of the gentry and merchants. There is, however, a scarcity of coin. The reason is"—it was a savage stroke, especially at the Pale gentry—"that certain great Lords and others have estates in Ireland and live in England, and thereby draw rents and profits out of Ireland to the impoverishing of the Kingdom."⁵ Lord Mountgarrett, for instance, three of whose dependants voted for this Remonstrance, spent all his time in England, where he was frequently mulcted in Recusancy fines.⁶ This, however, did not deter him at a later stage from flying out because "the subject of Ireland hath not the same liberties as the subject of England".

1) L. S. II—111. 2) P. R.—34. 3) L. S. I—258. 4) R. P. VIII—13.
5) T. C. D. F. 3. 15. 6) C. S. P. 1625—1660—302.

Suffice it to say that Lord Lambert was intimately connected with the advanced party of Parliamentaryism. His mother was one of the Fleetwoods. His wife was a Robartes, and both these families were destined to be famous in Liberal circles. He himself sat in the English Parliament for Bossiney, exactly the same borough as was placed at the disposal of Sir John Clotworthy by the leaders of the Revolutionary Party, so that they might have in the House a man from Ireland to denounce Strafford.¹ His father had died in possession of considerable landed property, but, when the second Lord Lambert flashes across our view, he was in very low water, and involved in constant litigation with the trustees of his mother and his wife over cross-accounts and mortgages.² A Mrs. Wakefield, the widow of a London goldsmith, sent an appeal to Strafford, who adopted the drastic course of paying her out of Lord Lambert's pay as an officer. "This Lord", he said, "was never in the Kingdom since my coming, and now, if he were sent over, perchance his creditors would get paid, and the duties he owes His Majesty might be attended better than by being in England."³ One can understand the meaning of this comment, when it transpires that Sir Miles Fleetwood was clamouring for Lambert's despatch to Ireland to clear up certain financial complications, and Lambert was quite as earnest that he should remain in England. He complained that, by Strafford's interference in his law suits, "my whole estate now lies bleeding, and I employ your honour to get me a dispensation of absence from my regiment".⁴ The end was that Lord Lambert was sent back to Ireland, where he no doubt ruminated much on that extraordinary Hibernian code, whereby "men of quality" had to procure licenses to remain out of Ireland.⁵ That code formed the 16th article of Strafford's indictment.

Lambert was not in Parliament when the Remonstrance was passed, but he subsequently played a great part in those protestations against all Strafford's government, the infection having swept into the Upper House, Peers jostling each other in haste to repudiate l'ancien régime, and to get what they could out of the new order. Lodge describes him as "a leading man and a great speaker", though he errs in attributing his energies of 1641 to

1) Lodge 1—352—354; C. H. 1—98. 2) Dom. 1638—235; C. S. P. 1635—95.
3) L. S. II—95. 4) Cowper MSS. II—57, 58, 92. 5) L. S. II—113.

the year 1635.¹ In fact such was his zeal for popular opinions that, "by siding with the Papist Party he gained strength", and carried a resolution in both Houses repealing a decision of the Council Board's that certain lands in Castle Belleek belonged to the Earl of Cork.² In the Rebellion he lost considerable property, a rental of £ 2,000 a year, innumerable sheep and oxen, and the inevitable Church, which his mother had built and the rebels destroyed. This warped his enthusiasm for popular causes, and for a long time he remained a consistent supporter of Ormonde.

The Strafford correspondence makes it very plain that many of the class usually associated by historians with the maintenance of law, order, and the State were at this period in a state of smothered revolt. Cusacke, the Solicitor to the Defective Titles Commission was Strafford's *bete noir*. His estimates were wrong. His legal opinions were defective.³ If an estate was found to be Crown Property, he had an understanding with Endymion Porter by which that worthy was instantly notified, and "begged it at Court" before the owner could compound.⁴ Is it any wonder he subsequently flew out with the Catholic Confederation, because "natives were not honoured in the Kingdom"? One of the Proclamations he signed for the Catholic Confederation was to the effect that on the "Case of Tenures many estates were illegally voided at the Council Board", a declaration which drew ribald comments from the Royalists, who pointed out that the warrants on that occasion were issued by Cusack himself.⁵ Dungarvan also, the son of the Earl of Cork, was one "who takes it ill the service of the public is looked on before his private", the cause being that Strafford would not lend him a naval pinnace to carry him over to England.⁶

Strafford's prosecutions of this class were many and manifold. His prosecuted four Fermanagh Planters for "mutinying" against a Benevolence.⁷ He prosecuted Balfour and Sir Frederick Hamilton for barrettery and intimidation. He prosecuted and deposed Dr. Adair, the Bishop of Killala, for incitement to rebellion.⁸ He prosecuted four of the Earl of Cork's pet tenants for barratry,

1) Lodge Peerage 1—354. 2) L. P. 2. s. IV—109, 208. 3) L. S. 1—191.
 4) L. S. 1—162; C. S. P. 1533—19. 5) C. A. H. Appendix VI—23. 6) L. S. II—16.
 7) L. P. 2. s. III—188, 191. 8) C. S. P. 1641—300, R. C.—252.

and a most dignified Planter Knight for assault and battery.¹ He prosecuted Mountmorris for extortion, corruption, and inciting to mutiny, and the Earl of Cork for extracting "unlawful oaths" from trustees. He was forced to prosecute five middle-class Scotch planters for refusing to take the oath of allegiance, for refusing to promise not to engage in acts of violence against King, State, Church, and Commonwealth.² The only act of rebellion committed in the whole of his regime was an attempt on the part of a mixed body of English and Scotch settlers to take one of the King's Castles, and hold it for the Earl of Argyle.³ How far this infection of anarchy, violence, and mutiny had percolated through the Planter class can be assessed from the fact that one of the largest Planters in County Londonderry, while holding a Commission in the Army, signed the Covenant to resist by force any alterations in the Scotch liturgy, of which he did not approve, and then had the audacity to appear before Strafford with a Royal warrant making him Colonel of his Regiment.⁴ Truly matters were in a pretty plight when, an officer in the King's Irish Army could sign a bond of offensive confederation with some rebels in Scotland, and openly air himself as an officer of law and order in Ireland.

These ebullitions have been usually passed over by loose historians with vague phrases of religious justification, natural demands for liberty, and national sympathies with the national aims of Scotland. To explain a religious upheaval one must first produce a religious suppression. What Calvinist from one end of Ireland to the other had been fined a penny, or imprisoned for a day for his religious convictions? The very Primate, Dr. Usher, was regarded as the greatest figure of 17th century Calvinism, and all he found to say in regard to these stirs was to preach an angry sermon with the text "I counsel thee to keep the King's Commandments and that in regard of the oath of God".⁵ It is to be feared Calvinist ambitions and apprehensions had very little to do with this affair at all. The names of those who repudiated the Covenant in Ulster contain the leaders of Northern Calvinism.⁶ The names of some of those who lead the rebellion in Scotland were ardent

1) L. P. 1. s. V—35, 38; IV—190. 2) L. S. 1—426; R. P. VIII—19.
 3) R. P. VIII—502, 511; L. S. II—342. 4) L. S. II—272, 273. 5) L. S.
 II—343. 6) L. S. II—344.

Roman Catholics. So were the names of some of their open sympathisers in Ireland.¹ "This", wrote Strafford, "is not a war of piety for Christ's sake, but a war of liberty for their own unbridled lusts, with Popish Lords in their party to show what their religion is. The way they seize the civil as well as the ecclesiastical power shows that it is not a *bellum episcopale*, but a war for the Crown itself".² Subsequent events showed he was correct. Even when the Scotch clerics were accorded all their demands, the Scotch nobility persisted in rebellion. If this applied to Scotland, how much more did it apply to Ireland, where there was no Laudian Prayer book, and no episcopal interference or domination, save that just warranted by an Irish Convocation or Synod, which was the Calvinist ideal of a Church Government.

National sympathies are but a weaker argument. The idea of nationality dates only from the French Revolution. It was unknown at that period. The Stewarts hated the Hamiltons. The McDonalds would have plunged their knives with joy into the body of a Campbell. It was an Army half Scotch and half Irish that the Earl of Antrim offered to lead across to Scotland. North Antrim was thronged with Scotch refugees fleeing from the Campbells.³ At least a third of the Scotch peerage were on the side of the King, and one of Strafford's spies reported that Argyle's tenants were in a state of smothered mutiny so heavy was the coigne and livery he exacted, so fierce the "plunderings and barbarous usages" on his private enemies, now that there was no Sheriff.⁴ The Stewarts, Hamiltons, and McDonalds in the North of Ireland were Royalist. The only danger zone was County Down, and the reason was that all the inhabitants were Argyle's dependants, or sympathisers with his faction. "They only resort", wrote Leslie, "to the Western parts of Scotland."⁵ Strafford, who never disguised from himself the strength of this Scotch cabal, as strong as that of Hugh O'Neill's in the 16th century, said at the height of this upheaval: "I have great experience of the Scotch nation, of their loyalty and their faith to the Sovereign, but there is a faction among them which I shall endeavour, as near as I can, to bring to that loyalty that subjects ought to bear".⁶ In this he was borne out by others who were by no means friendly to his

1) H. I. M. 1—326; B. D. 1—206. 2) Cowper M.S.S. II—227; L. S. II—382.

3) L. S. II—354. 4) L. S. II—362. 5) L. S. II—227. 6) R. P. VIII—507.

policy. On the first invasion of Scotland Dungarvan noticed the strength of the King's Party, "the loyalty of the common people", and their "awe of the great ones".¹ Digby who was in open sympathy with the Scotch said that, "whatever their lords are, their common people are weary of war". Even the petty victory at Newcastle was followed by the desertion of 4,000 Covenanters.² It was the partial sympathy of part of the English peerage, and the English Revolutionary Party that gave the Covenanting Lords their temporary success, and that sympathy would never have reared its head, if the Covenanting Lords had been dealt with from the very beginning. Strafford always foretold that conferences, and concessions, and "acts of grace" to subjects with arms in their hands only encouraged others to take up arms.

It took ten years of Civil War and Cromwell to burst the bubble of a feudal cabal lighting the fires of commotion with clerical bellows. Then what Strafford had detected at the very beginning—though its power for evil he never denied—became apparent even to Clarendon. "The Power of the Nobility was so extinguished that their persons found no respect from the common people. The Presbytery was become a term of reproach and ridiculous . . . All this transformation was submitted to with the same resignation, as if the same had been transmitted from King Fergus. It might well be a question whether the generality was not better contented with it, than to return unto the old rule of subjection with the Restoration."³ Cromwell, however, was a military Dictator, and could deal with this disease without any regard for the British Constitution and Statute Law. Strafford was a constitutional Minister of the Crown, working in a maze of packthread, constitutional checks, civil rights, and what not else. The one succeeded and the other failed. He who succeeded is regarded as one of founders of English Liberty, and has numerous Statutes erected to his fame by enthusiasts of the Manchester School. Strafford, on the other hand, is relegated to obscurity as a black spot on the fair fame of these islands, a sour janissary of some Oriental despotism.

Suffice it to say that national sympathies would not account for the large number of Scotch who supported Strafford openly

1) L. P. 2. s. IV—41. 2) L. P. 2. s. IV—140. 3) Clarendon Memoirs. II—92, 93.

and loudly, nor for the countenance and support the Covenanters received from men like Clotworthy—English of the English—or Phelim O'Neill, who was by no means a Scotchman or a Puritan. When, however, we get to the word Liberty we immediately solve all the causes of the unrest among the Undertakers, the gentry of the Pale, and "those in Corporations". The great feudal houses of England and Ireland had become civilised. What Strafford used to call "the duty of subjects" was now part of their creed. A man like Thomond, or Kerry, or Magennis, if he felt aggrieved, if he did not immediately get everything he wanted, did not, in this the 17th century, burn houses and slit throats. At the end of the 15th century this was the custom of the English nobility. Till the end of the 16th it was that of the Irish nobility. The State papers of both countries give an amazing account of the murders, thefts, and riots of the feudal houses in their struggle with the Crown. "Civility" was now their distinguishing mark, with occasional outbreaks on the part of men like Lord Roche or Tibbot Burke. The middle classes had yet to be civilised. In the previous regime they were quiet through fear of the Great Lords. Now they had emerged and became great men themselves, and had yet to learn that there were some things they could not get, and certain practices humanity would not tolerate. The Earl of Cork exempted his income of £20,000 a year from taxation, and yet, when a tenant committed suicide, he exercised to the hilt his manorial rights, and escheated the cows of the poor widow.¹ Kilmallock and Sir Henry Belling—two of the "civil gentry of the Pale"—trumped up a charge against a rather disreputable squire, tried him themselves, had him hung, and seized his property.² Lord Esmonde, Pierce Crosby, and Marcus Cheevers,—all typical of the Pale Squire class—tried to trump up a charge of murder against Strafford, because he did not see eye to eye with them on matters of State.³ Sir Thomas Standish had an agrarian dispute with Walter Browne. He arrested him, tried him, sentenced him and "committed him to the stocks in the open street, he being a gent of good estate and reputation".⁴ Sir Christopher Bedley was "censured to pay £500 and was now in the Castle for striking Mr. Trevor".⁵ Three

1) L. P. 1. s. IV—129; 2. s. IV—176—180, 259. 2) P. R—406. 3) R. P. III—897—900. 4) L. P. 2. s. III—131—134. 5) L. P. 1. s. IV—190.

Galway merchants employed, entertained and protected a Spanish pirate who ravaged the Irish sea, plundering vessels and torturing his captives, and they did so because he smuggled their goods through the Customs.¹ The assassination of Buckingham was received with applause by the English Middle classes, because they held him to be "the cause of all the evils", though he was certainly guiltless of any man's blood.² The triumphant Parliamentarians simply executed Strafford and Laud on the grounds of "vae victis". The performances of the Catholic Confederation—whose members were not like the perpetrators of the Ulster massacres, ignorant peasants led by bad characters—but half a dozen peers, some eighty or ninety squires, and a host of lawyers, shopkeepers, aldermen and priests of the Pale, drawn not from the peasantry but the bourgeois—what with their coshierings, tyrannies, backbitings and treacheries, seem to us, in these days, like a soviet of savages. Rinucini says that they—"my State" he used to call them—were so hated, that, despite all their political programme of liberty of conscience and redistribution of properties, no one would willingly give them a penny. "The bad government of the Catholics is the real cause why no money is to be found." He describes "the howls and lamentations" of the country women, as they lamented the thralldom under which they lived, all of which the Confederation shifted on to the shoulders of the priests, who had to endure an "indescribable hatred".³

The fact was that the Middle classes had just "arrived". Under the Tudors they had fared very well. Escheats of fallen nobles, the huge Abbey Lands, the innumerable Church Improvements, the high offices of State, and the wealth that flows towards political power had all tended to lift this class high and aloft above the rest of the community, and it had grown dizzy in the rarefied atmosphere of political ascendancy. Traditional history forgets that what is loosely called in this volume the Planter Class was not far removed in the real actualities of life from the Civil gentry of the Pale. They formed all one solid compact middle class, divided it is true, but at the same time united by a hundred bonds. The Lismore Papers of the Earl of Cork are a mine of information on the matrimonial, political, and

1) Dom. 1634—300; C. S. P. 1634—73—75.

2) Egmont. M. S. S. 1—131.

3) R. E. 290, 353.

financial ties, which united the Planters to the Civil gentry and the bourgeois. The lawyers employed by the Earl, the business men who handled his mortgages and exchanges, his creditors, debtors, guests, hosts and kinsmen comprised not only Ulster Revolutionaries of the Covenant like Clotworthy and Southern Puritans like Hardress Waller, but leading lights of the Catholic Confederation like Donough McCarthy, John Walsh, James Cusack, and Henry Ashe, and Royalists like George Hamilton, the Earl of Westmeath, and Lord Barrymore. We are now in the era of commerce, which strikes right across religious views and political theories, and, though the Civil gentry, as a rule, inclined to Royalism and the Planters to Parliamentaryism, they could combine when Strafford took the assessment of subsidies out of their hands, and made it a State service.

The subsidies themselves were a bagatelle. In four years the Earl of Cork's income was £ 80 000. His subsidies during that period were £ 3,600, which exactly bears out Radcliffe's contention that they were an income tax of 4 %. ¹ The sting, however, in this great reform was that no more could this great middle class of moneyed men vote subsidies and benevolences, the credit of which came to themselves, in return for Graces that benefited only themselves, while laying the burden on industry, "the meaner sort", and "poor and bare tenants". ² Nor was this only Strafford's view. Innumerable petitions said the same. ³ "This is practised", we are assured, "by the principal men that the King might not know the estates of the better sort." ⁴ "It was a payment", said Strafford, "not worth speaking of if set on the wealthy alone." ⁵ Even if there had been no such question as feudal dues, Church Lands, Plantation Covenants, and "exactions in Corporations", this alone was sufficient to make the Civil gentry of the Pale clasp to their bosoms the rising generation of Planters, both lifting up their voices over "Liberty and religion than which no two things are dearer to the heart of man".

All Revolutions it should be remembered are the work of the middle classes. Their jealousy of those above them, their overweening sense of importance at having "arrived", their ensuing

1) L. P. 2. s. IV—259; 1. s. V—51; Dom. 1635—385; T. C. D. F. 3. 15. 2) L. S. I—401, 407; II—19. 3) C. S. P. 1629—467, 469. 4) T. C. D. F. 3. 16. 5) L. S. I—238.

belief that conventions they do not like are not binding on them, their ignorance of State craft, in which everything that is unpleasant immediately becomes something to be destroyed, their great desire to exempt their investments from taxation, their firm belief that taxes should be paid out of industry and wages, and not out of usury and investments, and the ensuing desire to place the burdens of the State either on the landed aristocracy they hate, or on the rising elements of industry who are trading on their heels, all this makes the middle class, who have just won wealth, the most restless element in the community. An Irish official one time noted that all stirs followed great prosperity. "Those that have been rewarded by Her Majesty's bounty swell in pride, and say the Governor standeth in awe of them, and, if he be severe with justice, they say he is a tyrant and desire to have him removed."¹ Strange as it may appear Midas has been known actually to call out the Apaches to get his own way, tripping up at the same time the officers of State who try to maintain peace, in the hope that, in the confusion, "justice may be obtained in the interests of peace". The Gracchan Revolutions in Rome, the Parliamentary movement in England, the French Revolution, the intense unrest in England between 1790 and 1800, were all fanned and stirred by the bourgeois who had arrived, Equites, "the Country Party", Parisian Intellectuals and Country avocats, "Nabobs" and the war contractors of the Georgian period, all in their different ages sang *Ça Ira*, and sniggered at the violence of mobs, who never, be it noted, were drawn from the artizans, working men, or "painful people", but from the lower substrata of idle and lawless elements. The time had now arrived for the great Undertakers, the lessees of Abbey Lands, the Church Impropiators, the aldermen of the Corporations, and the large class of native usurers who had leapt into prominence when interest was 30 %, the time had now arrived for these to demand justice. An Irish Deputy one time analysed carefully all the elements of peace and revolt. "The most part are very peaceable, industrious to manure their land, ready to receive all lawful commandments, the government continuing tolerable." Underneath was a primitive substratum, "prone to ignorance and base leisure, full of envy for those who

1) C. S. P. 1595—486.

strive as much as they can to live honourably and worthily". These are entertained, excused, and used by those "who have been made something by the favour of the State and begin to please themselves with the opinion of greatness and popularity, which is easily gotten among a poor people who see nothing but themselves".¹ As an analysis of Irish discontent this is remarkable for its eternal recurrence.

The Irish Parliament of 1640 contained an abnormal proportion of lawyers. The number is remarkable. Every old city had its sharp and voluble representative. The little boroughs sent up quite a respectable number of these. They came trickling in actually as Country Members. Nicholas Plunkett, Clanricarde's lawyer, the younger Bysse who sat for a Connaught constituency, John Walsh, who was the member for Waterford City and was the son of a "civil" Tipperary Squire, Somers who was Ranelagh's Secretary, and a host of others suddenly appear as the spokesmen of this small but influential class. One of them, Walter Archer of Kilkenny, was of such rank that he was a possible Lord Chief Justice, before Strafford came to Ireland.²

These were the hungry demagogues who could be trusted to say what should be said, to do what should be done and, above all, not to say what should not be said. No one reading the Resolutions of the Irish House of Commons in 1641 would dream for a second that it consisted of a dominating bloc of about 95 votes, determined to alter the basis of subsidy taxation, to repeal the Plantation Covenants, to submit cases of Church Lands only to juries, and to restore the right of Corporations to fix taxes and rates as they pleased.

The subsidies for the war with Scotland were passed un-animously in a wave of national enthusiasm. The recruitment for the Irish Army was rapid and zealous. The greater part of the House of Commons took commissions and went off to Carrickfergus, leaving behind a Rump to debate, amend, or pass the series of Statutes that had been proposed.³ It was this remaining portion that created the cataclysm, Strafford and Radcliffe being both in England, and the former nigh unto death. How concealed was the discontent is revealed by the fact that as late as June 8, when

1) C. S. P. 1611—46. 2) L. P. 2. s. III—74. 3) C. A. H. Charles 1 p. 59.

Radcliffe was leaving for England, the House sent a message of sympathy to Strafford, and Sir Roebuck Lynch, the Chairman of the Committee that subsequently prosecuted him, said that he "administered the affairs of the realm tam diligentes ut proprias, tam caste ut alienas, tam religiose ut publicas".¹

The manoeuvrings then began. With considerable skill the leaders of the party of revolt concentrated on two issues, the demand of the House that it should assess the subsidies, and an attack on the Established Church. The two issues welded into one solid bloc, Clanricarde's group, the members for the Port towns, the Northern Undertakers, the Scotch members, and the Ultramontane members for the Pale. After a long series of embroilings, resolutions, amendments, demands, and agitations the party cut down the subsidies to a minimum, and, on a snap division, carried the Remonstrance, which was quoted with such deadly effect at Strafford's trial.

The Composition of this Party can be easily detected by the signatures to that Remonstrance. Scotch nonconformity was represented by the two Montgomerys, Archibald Hamilton, the nephew of Lord Claneboye, and Thomas Hill. All the Port Towns and great Corporations were fully represented, save that one member for Cork and one member for Dublin did not sign. The two members for Mayo and the two for Galway, and the two for Athenry, represented Clanricarde.

The Undertakers included one member from each of the following Counties:— Londonderry, Longford, Leitrim, Donegal, Queen's County, Armagh, Fermanagh, and Kerry. Their names were Rowley, Edgeworth, Reynolds, Gore, Parsons, Bromloe, Sir William Cole, and Denny. Lord Cork seems to have been a patron of Reynolds.²

The Boroughs are far more complicated as here we get into a tissue of cross currents. Belturbet returned Richard Ashe, who was a bill discounter for the Earl of Cork, and flew out with the Catholic Confederation. Strabane had returned Richard Fitzgerald, who was born in Tipperary, was related to Sir William Percival, the Clerk of the Court of Wards, was himself Head Clerk of the Court of Chancery, and acted as the agent for Parsons in the pro-

1) T. C. D. F. 3. 15.

2) L. P. 1. s. V—73.

secution of Strafford. Enniskillen returned Arthur Champion, a very important Dublin Bill discounter, who frequently appears in the Earl of Cork's ledgers.¹ Philipstown, which was a Plantation Borough, seems to have been influenced by the Loftus family, its two members being Digby and Moore, both connected with Lord Drogheda, the son-in-law of the Lord Chancellor. The Munster Boroughs sent up a little coterie intimately connected with the Earl of Cork and Denny, both of whom had good reasons for discontent. Osborne and Hore from Dungarvan, Travers from Clonakilty, and Henry Osborne from Tralee were the four, the last of which was a Denny Borough. Three other important personages signed the Remonstrance, Wingfield, an Ulster Undertaker, who sat for Boyle, Bysse, the son of the Recorder of the Dublin Corporation who sat for Roscommon town, and Somers, who sat for Athlone and was the Secretary of Ranelagh. Another great personage was Sir Hardress Waller, who sat for Limerick County, and was the chief of the Earl of Cork's financial managers. As can be seen the influence of the Undertakers, "the monied men", and the Parsons, Ranelagh, and Cork group was pretty effective in the passage of this Remonstrance. These were the brains-carriers of the intrigue.

The numbers were provided by the Port Towns and the "Civil" gentry. When we exclude Clanricarde's coterie we only encounter four of the old families mixed up in this affair, Rory Maguire, the brother of that very discontented and ruined Peer, Lord Maguire, Sir Donogh MacCarthy of West Cork who had been much harried over impropriations, Sir Donat O'Brien who had suffered the same fate, and Terence Coghlan, who was one of the Loftus Party. These were the only four of the County families, outside the Pale group, who were implicated in this affair. Even Philip O'Reilly, the member for Cavan, who was one of the leaders of the Rebellion of 1641 took no part in this intrigue.

The Pale gentry, however, formed a very solid bloc. Barnewalls, Fitzgeralds, Butlers, Plunketts, Cusacks and Bellewes, with their innumerable ramifications produced nearly half the cabal. They were nearly all Roman Catholics. In the ensuing stirrs at least half of them joined the Catholic Confederation. They

1) L. P. 1. s. IV—105, 199.

numbered about half the members for Leinster, with four from Tipperary, and three from Limerick.¹

It was this Remonstrance that at one swoop reft Strafford of his plea that he had governed Ireland "to the contentment of the subject". It was useless to plead that the signatories were only a fraction of Ireland, that it was passed on a snap division, and that in a thin house. It was a fact. A majority is worth a dozen arguments, and it served its purpose. The Committee sent over to London were hailed by the Long Parliament as gods. They were entertained to dinner by the Earl of Cork, and, when they had spent their all in the delights of London, his purse was at their disposal.² Nor were they unprovided with cash. Having torn Strafford's subsidy valuations to pieces, and reduced the subsidy to a nullity, they imposed on Ireland a poll-tax of £ 5,000 to pay the cost of their tour to London.³

After Strafford was arrested events followed each other in rapid succession. A huge revolutionary cabal dominated the three realms. Scotland was held in awe by the Scotch Lords. The North of England was placed under tribute, coigne, livery, billetings and forced supplies by their levies.⁴ The Royal Army had to lie athwart the South of Yorkshire to hold them back from sweeping over England. That was all it could do with a revolution in its rear. "Rebels!" said Lord Bristo. "They may be such but your Majesty cannot punish them."⁵ The pay and rations of the Army were the daily anxiety of the King. How to get the Scotch out of England, how to prevent the Royal force from dissolving by starvation was his one thought day and night. He could not force tribute, billets, and supplies like the Scotch, whose extortions—and they were pretty heavy—were regarded with silent approval by the House of Commons.⁶ They "had a strong party among the discontented citizens" who would not even be averse to an invasion of the South.⁷ The only remedy was a subsidy and to wring this from the Commons was the only hope of preserving the realm from destruction. Already there were riots in Ulster, outbreaks of the woodkern all over Ireland, so that it was "questionable whether security be in law or outrage"—uprisings of "clubmen" throughout rural Eng-

1) Gilbert. National M. S. S. of Ireland, IV—1. 2) L. P. 1. s. V—183, 184.

3) H. C. J. 1—185. 4) L. P. 2. s. IV—136, 137. Egmont M. S. S. 1—119. 5) L. P. 2. s. IV—127. 6) Cowper M. S. S. 1—265. 7) Cowper M. S. S. 1—278.

land, over commons and enclosures, and serious—very serious—unrest among the lower elements in London.¹ Gaily and with light hearts, the middle classes of England rode and directed this storm, firmly believing that it would guide them to some Ultima Thule of Liberty, no taxes, and a realm in awe—no longer of monarchs—but of patriots.

Into this loose confederation of Scotch Lords, Calvinist divines, discontented courtiers, Percys, Montagues, and Devereux, Puritan zealots, bucolic squires, and city aldermen, the middle classes of Ireland entered with great hopes, oblivious of the sinister fact that all business was at a standstill, so widespread was the panic.² The mobilization at Carrickfergus still kept a large number of members out of the House. By declaring these seats vacant, by arresting some members, like Radcliffe, Little, and others connected with the administration, by expelling others like Dr. Lake, by releasing from gaol or acquitting from sentences their own friends, they soon overawed whatever disunited and disorganized elements might have withstood their claims.³ Even members of the Council quaked in their shoes, and the judges were mute with fear on the bench.⁴ Two of the latter had been simply incarcerated by the House of Commons, *pour encourager les autres*.⁵ Drastic measures were adopted, both in England and in Ireland, against all who, by word or deed, breathed criticism of the new regime. It was quite a common practice, in both Houses of Commons, to summon a Member or a subject to the Bar for "seditious words against the authority of this House" and to commit him to the Sergeant or to extract "a submission".⁶ In Ireland, however, the most effective weapon was a resolution transferring one subject's property to another. Nothing was more fruitful of unrest, disorder, panic and passion than these orders emanating from Dublin or Westminster, and it is hard to say which were the most unjust, and which the hardest to be borne, or the hardest to put into force peaceably.⁷ One of the very last acts of the Irish House

1) C. S. P. 1641—271, 274, 280, 312; English Historical Review IX—553; Egmont M. S. S. 1—134, 137. Cowper M. S. S. 1—262, 280, 282. 2) Egmont M. S. S. 1—121, 139. 3) H. C. J. 189—195; C. S. P. 1641—268, 308, 313. 4) C. S. P. 1641—279. 5) C. S. P. 1641—260. 6) Clarendon Memoirs 1—114, 115. 7) C. S. P. 1641—298, 331; L. P. 2. s. IV—208; Egmont M. S. S. 1—142; C. S. P. 1633—47—763.

of Commons before its crash was to declare that the property of Sir Henry O'Neill, the Royalist, should be transferred to certain followers of Phelim and his uncle Brian, who had just entered the House, and were leading spirits in these stirs.

Faced with this situation the King could only lavish concessions here and there in the hope of allaying the storm. All Plantation Covenants were abolished. All Plantation tenures in capite were altered to common soccage. All manorial powers, market rights, and advowsons were restored to the Undertakers.¹ The clause forbidding the letting of Plantation Lands to Natives on yearly leases, or the sale of such lands to Natives was under discussion when the rebellion broke out.² Thus ended the Stuart policy of letting lands at cheap rates to favoured subjects in return for certain duties. The duties perished. The cheap rates were preserved.

The subsidies disappeared into limbo.³ Strafford's policy of raising extra taxes by a 4% income tax on "estates and goods" perished within ten years. All revenue from this time forward was paid by taxes on commodities or on industry. Never again did any statesman ever dare to raise Irish revenue from owners of Irish land. Since then it has been a fixed tradition in affairs of Irish State that whatever rates may be placed on other forms of property, income, or goods, Irish land is to be exempt or to enjoy a lower rate. In England the same revolution was rapidly achieved by the Parliament who raised their taxes by the confiscation of Church Lands, compositions with Royalists, heavy duties on Customs and Excise, and poll-taxes. Gone was the Stuart code thus described by Finch "No man is to be assessed unless he be known to have estates and money or other means to live by, over and above their daily labour, and, where you find such persons to be taxed, you are to take it off such poor cottagers who have nothing to live on but their daily work, and you are to lay it upon those that are better able to bear it."⁴ These are the Chancellor's instructions re Ship money, which the apostles of Liberty abolished, substituting instead a poll-tax.

This great reform was accompanied by others. The Corporations recovered many of their great powers.⁵ Trial by Jury was

1) C. S. P. 1641—272, 298. 2) C. S. P. 1641—292. 3) C. S. P. 1641—270.
4) R. P. II—261. 5) C. S. P. 1641—285.

made the ideal form of judicature.¹ The qualification of a magistrate was fixed at £ 100, so that, in a district dominated by one or two patriotic potentates, the Government could not place petty Planters on the Bench, the only class that could be trusted to hold a balance between the "Lords and gentry" the "commonality" and the State. "Some baronies will have but two justices", wrote a scribe at that time "and then we know what will happen."² The embargo on the export of corn was removed despite the undoubted and "great scarcity".³ The State farm of tobacco was abolished, and the tobacco trade went back again into the hands of the old ring.⁴ In fact the cabal did very well for themselves.

The split came over the question of Plantations. The great Undertakers and the officials wished to pursue the Plantations, whose allocation would be in their own hands. For this they gave high reasons of State, "making the commonality depend on the King", "breaking the power of the Lords", introduction of "fit freeholders to serve on juries", and "the spread of religion and civility". The Civil gentry objected to such. Many of them had plots and mortgages in Connaught and Ormonde. To surrender a fourth of these for the other wing of the cabal to divide between themselves was not the ideal for which they had gone into this business.⁵ Their aim too was to "weaken the State", to keep large tracts out of the grip of "the fit freeholders", to rule them through themselves, their friends and their allies, like Clanricarde's coterie. Let but a series of small farmers be created over Connaught and Ormonde, and farewell to "popular" movements in pursuit of Religion and Liberty. Naturally they were strongly led by the priests on this matter, and, owing to the influence of Clanricarde both with the Queen and the Parliamentary leaders, they triumphed. This question split the middle classes into their old divisions.

The Undertakers were a later generation than the civil gentry. The latter were consolidated. The former had just arrived. The Undertakers were as a rule Puritans, Colonists, and attached to the Executive, having many friends therein. The Civil gentry were Roman Catholics, Irish or Norman Irish, and, somewhat hostile to the Executive in which they had few friends. The feud between these two classes was perpetually breaking out. In

1) C. S. P. 1641—284. 2) Egmont M. S. S. 1—138. 3) C. S. P. 1641—269.

4) C. S. P. 1641—263. 5) C. S. P. 1641—269, 275—279, 282, 302.

Chichester's Parliament it led to stormy scenes. On Strafford's arrival he found the Pale Party enthusiastic for the King, and the Planters in revolt. In his first Parliament it was the former who voted his subsidies. In the second session it was the latter who carried his reforming Bills, the priests having "blown upon" the Pale gentry lest "a conformity in laws lead to a conformity in religion". There was much in common between both parties, but there was also much between them. The cabal split right along religious lines, and, as the Roman Catholics had a majority in the Parliament, thanks to their careful handling of the elections, the Protestants fell back on the State, the Executive, and Royalism, keeping at the same time a not unfriendly eye on Westminster.¹

While both were wrangling furiously matters moved swiftly in Ulster. The invasion of Argyle was daily expected.² The relics of feudalism were in a profound state of unrest.³ Phelim O'Neill and his relatives displayed the greatest disappointment when they learnt that the Scotch had been held in Yorkshire.⁴ Out of all these doles they got nothing. Nothing stands out clearer in the documents at our disposal than the poverty of the moving spirits in Ulster. Granted by the Plantation large estates they had failed to hold their own in the modern conditions of purchases, sales, mortgages, and industry.⁵

It was very hard for the descendants of ruling Maguires and O'Neills to watch their estates slowly disappearing into the hands of usurers, while "men of mean quality added field to field", waxed fat and prosperous. At this period an impecunious aristocrat was a great danger to the peace of the realm. Lord Antrim—£50,000 in debt—kept Strafford on tenterhooks, with his schemes of conquest and his violent seizures of other men's lands.⁶ The Earl of Rothes was the glaring example among the Scotch Covenanters.⁷ There was always a certain element among these relics of the feudal system, who believed that they were entitled to take what they coveted, and that a Realm out of which they did not profit was not entitled to their support. In modern days the hungry multitude is the peril of States. In the early 17th century it was the

1) C. S. P. 1641—303, 308. 2) C. S. P. 1641—275; R. C.—207; B. D. 1—206.
 3) C. P. II—134. 4) H. I. M. 1—326. 5) H. I. M. 1—327. II—342. 6) L. S.
 II—297, 426. 7) L. L. VII—521.

faded aristocrat, and Lord Maguire and Phelim O'Neill had mortgaged nearly every acre they possessed. One indignant deponent relates how for two years before the outbreak the leaders were borrowing from all sides, with, as he thought, evil intent. "The aforesaid gentlemen and others of the same stamp borrowed what sums of money they possibly could from the British, and often without apparent necessity. Neither did it afterwards appear what they did with the money."¹ What is far more likely is that their borrowings and mortgages were but the natural habit of all fading aristocracies, when men of commerce and wealth enter their midst, and that the outbreak was but an effort to restore their shattered fortunes by conquest in an era of chaos. Certainly there is no evidence whatsoever that the borrowings were to finance a rebellion, as the rebellion was a wild, disorganized uprising of the multitude, unarmed, undrilled, unorganized, "doubtful and tumultuous".²

The locus classicus for the leaders of the revolt is a Proclamation placing a price on their heads.³ This Proclamation was published in 1642 when the Catholic Confederation had also "gone on their keeping". It therefore contains the names of men who were involved in the confusion, men who were, as it were, engulfed in a later tidal wave. Even so the first thing that strikes the observer is how very few of the old families were in the emeute. The personal following of Phelim O'Neill, one of the McCartans, two unimportant McDonalds, two of the powerful McGennis faction and about a dozen O'Reillies and McMahons compose the list. When we exclude one O'Reilly, two McMahons, Lord Maguire, and two O'Neills, the remaining 25 are very minor men, men who forty years before would have been pigmies in feudal Ireland.

A second consideration is worthy of note. The important men were very large Plantation owners. The unimportant came from those identical districts where there had either been no Plantation or, as in Cavan, where the native proprietors had received many and comfortable freeholds. The theory of "dispossessed natives" does not accordingly hold. Nor did they in their manifestoes allege dispossession by Plantations. That plea was not advanced

1) H. I. M. I—327.

2) R. E. p. XXXV.

3) L. P. II. s. IV—277, 278.

till much later, till the arrival of Owen Roe O'Neill, who fought hard to secure a redistribution of estates.

The second proof of the absence of the native gentry from this emeute is that, in all the depositions of the Ulster massacres, the word "gent" is only applied to less than 60 names, and in Monaghan alone it could be applied to 300 native proprietors. In Wicklow, where nearly all the Byrnes flew out, there are no less than 45 men to whom the deponents applied this title.

Lastly, there is the question of the Cromwellian Escheats. Cromwell only escheated in Ulster 1.153.000 acres, about one-third of its area. In Leinster he escheated half, in Munster three-fifths, and in Connaught four-fifths.¹ From the Ulster Escheat there must first be deducted the estates of the great Royalists, who, by special Proclamation were escheated, because they were Royalists. These were the Earl of Antrim, Lord Iveagh, Lord Castlehaven, and Sir William Stewart. Their estates must have covered nearly 100.000 acres. Then followed the escheats of Lord Maguire and Phelim O'Neill which covered 40.000 acres.² This leaves only a million acres to account for Royalist Undertakers who were transplanted, native proprietors who suffered a similar fate for Royalism alone, and natives who were in the rebellion. Usually it is assumed there were very few native proprietors to be escheated. On the contrary three-fourths of Antrim, half of Down, and nearly all Monaghan were compounds of native freeholders, and all throughout the Plantations they were as plentiful then as they are do-day. The only conclusion is that very few entered the rebellion, and very many took no part in the "stirs" at all. In time of Civil War the average subject bolts his door, and lies very low, praying only that the Government survives. Even in Monaghan, where there were not fifty English freeholders, and where these were small, save for the Earl of Essex and Sir Henry Blaney, Cromwell, for all forms of belligerency, could only escheat 118.000 acres out of 300.000.

How then did this wild upheaval cause such destruction? Firstly it came at a moment when two Kingdoms were in Revolution and the third was without a Government. Secondly it

1) R. I. A. Translations. XXIV—104. 2) Redistribution and Survey. Tyrone, Armagh, Fermanagh.

was led by men just of sufficient rank to give it momentum, coming from separate districts so as to spread it over a large area, and with the feudal tradition of violence in their veins. Was it likely that such men as these, whose ancestors had ruled whole territories, were going, at a moment like this of *panem et circenses*, to sit down among their shattered fortunes and mortgaged deeds, and watch Undertakers and Pale Lawyers parcelling out the realm between themselves?

What lent fuel to the fire was the religious question. At last it had come to Ireland in all its fury. The Calvinist campaign in Scotland, the Puritan propaganda in England, the unanimous attack on the Established Church in Ireland had all raised such a din that it reached the ears of the serfs and the creaght herds, who lent no dull cold ear to the cry that the Planters—men with goods—were persons anathema to the Almighty. Any cry is good enough to tickle the ears of covetous groundlings, and it served.

The flames were fanned by those friars, who were always agents for the O'Neills, and by those priests who believed that the time had now come "to reconcile Ireland" by fire and sword, to overthrow the Established Church and to erect a Roman Catholic State in its stead. They were very active on the eve of the outburst.¹ Religious frenzy rose to boiling point. "And may we not fight for religion like the Scotch", said an angry rebel when asked the cause of all these acts of violence.²

A cry of redistribution of goods will affect the mildest of races if there is no police force, no Army in the country. Here were the little planters, weak, scattered, strangers, with herds, and flocks, and money in a land where violence was traditional. On the other side lay these roving creaghts, and serfs, and kern just emerging from the dark ages, thronging the Undertaker Estates with no natural leaders save the Ulster priests, who were either serfs themselves or belligerents, separated by a gulf of three or four generations of "civility" from the priests of Munster and Leinster. It was not a war. It was not a rebellion. It was a jacquerie, led by "a few bankrupt and discontented gentlemen", and by what one of the McSwineys called "friars that were travellers and great politicians".

1) C. S. P. 1641—307, 309; H. I. M. I—327. 361; II—344, 355, 358. 2) H. I. M. I—329.

The wave swept through Ireland like a tide, engulfing county after county. He who turns over the pages of that period can watch the ripple of chaos crawling slowly all over Connaught, down through the Midlands, and lapping round the walls of Cork and Dublin. Sometimes a figure rises in a district and beats it off, and it crawls on leaving his little area high and dry. All kinds of actions emerge: men in high places applauding to get popularity: men of similar rank rushing in and rescuing shivering planters; others "passing by on the other side", and others doing good by stealth at night. Sometimes it is an angry priest hurling clerical maledictions on a local gang. "I took Buchanan's son in my arms", said a Franciscan friar,— "sworn duly on the Holy Evangelist"— "and twice and thrice they snatched him from me and murdered him. We sheltered Mr. Gilbert, his wife and children under the beds. "You will draw no blood". I said to McDonagh, and they wrestled with me and the firelock went off and grazed my arm. Then they stripped Mr. Gilbert of his clothes".¹ Sometimes a friar raises his voice aloud in praise and cheers them on to their work, and ever and anon the Irish servant appears standing at the door with a bludgeon protecting those within. Depositions, letters, Proclamations, Manifestoes all give one the impression of nothing but wild and hideous confusion. The first blow fell on the little Planters, the small and defenceless farmers, Colonists, whose Protestantism was the excuse for their fate. Then it swept on to the Undertakers. Then it struck at Irishmen who were attached to the Executive.

Then the more extreme of the anarchists turned to assail those who were more moderate, and those who had despoiled others of their lands were despoiled themselves by some new coalition of factions. For eight years the historian can see nothing but wild rapine, fury, and destruction, homesteads blazing, towns crumbling into ashes, and desperate efforts on the part of the painful people to but reach the ports, and go forth as wanderers. Liberty had come, a Dea certa with the temper of a Moloch, and "every man did what was right in his own eyes".

1) H I. M. II—2.

PART VII

THE DOWNFALL

Chapter I

“THE SIMULTATES”

When leaders chose to make themselves bidders at an auction of popularity, their talents in the construction of the State will be of no service. They will become flatterers instead of legislators. Moderation is stigmatized as the virtue of cowards, and compromise as the prudence of traitors.

BURKE.

The character of Thomas Wentworth, Earl of Strafford, was by no means an enigma. Of shrewdness there was much in his composition. His letters to London show that he could often leave unsaid what it was not necessary to say. His Irish administration consisted chiefly in closing his eyes to abuses, declining to tilt at windmills, and working with men that he knew were his enemies. Despite all this his character was very simple and his creed transparent. Nevertheless round his reputation has gathered a host of legends, as if he were some ogre of despotism in a land of freedom. The explanation is simple. The popular party at his trial flooded England with pamphlets, and made the rafters of Westminster ring with grotesque tales of his persecutions, culled from second-hand phrases he might have uttered, and the complaints of men, themselves not blameless. These fictions have passed into history for one reason. The history of Carolan England is so complicated and extensive that no historian of any rank has had time to sift the Irish charges, some of which have actually been taken as proven.

One of these is worthy of note, as revealing how Strafford made a deadly enemy by protecting the legitimate interests of certain Irishmen.

The most famous of the Irish aristocracy that were attached to his person and his Government was the young Earl of Ormonde.

Strafford had received instructions to procure a Royal Title to Ormonde, and to plant his large Palatinate. At the very beginning of his Vice-Royalty he succeeded in winning the confidence of this young nobleman, and, what is more, of impressing on the King that here was one who might some day prove a tower of strength to the trembling, vacillating, and doomed dynasty.¹ "He is young, but take it from me he has a very staid head."² The prophecy was no vain one. He proved one of the ablest Viceroyes that Ireland ever had during her worst cataclysm.

To win the confidence of a Palatinate Lord was better than the capture of a dozen constituencies to-day, especially "one whom I hold to be a person of consequence". The previous regime had nibbled at the Plantation of Ormonde. As was the custom they first canvassed the minor gentry. They found a general desire for a Plantation, but a certain timidity in trusting compulsory powers to the Lords Justices. Man after man said he would "put his hand to a submission to be free of the Earl's black rent", but, when it came to the test, they shrank. St. Leger flatly declined to trust Parsons, and hinted at "Scotchmen", in the distance, eager for grants. Ormonde said he would sign nothing till he was forced, and would do nothing till his lawyer told him he had to. In the end the Earl of Cork had to advise the King that the only solution was "a knowing Deputy in whom the people would have affiance, and yield themselves to, for they put all they have into the highest hazard".³

On the advice of Sir Wm. Ryves, who was his family lawyer, and through the mediation of Wandesforde who had been a friend of his uncle's, Ormonde told Strafford that he "would be ready to give his best help and furtherance to make a Plantation".⁴ This was another triumph for Strafford. Portland had tried to procure a title by the dubious method of reviving some old Norman claims, held by English families. The claim was bad in law. Also the course had the great demerit of ignoring those bargainings with the freeholders which were the first requisite.⁵ "It will be impossible", said Strafford, "without the Earl to find a title for the Crown to Ormonde".⁶ The fact was that the

1) L. S. I—99, 260; C. P. B. VIII—594. 2) L. S. I—352. 3) L. P. II. s. IV—164—169; Egmont M. S. S. I—65—68. 4) L. S. I—99; C. P. B. VIII—531; Ormonde M. S. S. I—25. 5) L. S. I—135, 160, 191, 295. 6) L. S. I—352.

document on which the Crown title depended was in Ormonde's possession.¹ "The Lords Pretenders" being discarded, bargains were made with Ormonde and the freeholders, and the title was duly found.

Ormonde, however, was heavily burdened with debt. He had succeeded to an estate heavily mortgaged, assailed on all sides by law-suits and agrarian disputes, and, what was worse, hampered by a mutinous tenantry, who paid no rent and ignored processes, being encouraged theretoo by those with whom he was at law.²

Strafford and Wandesford were remarkable for nothing more than their skill in business and law. Both had succeeded to bankrupt estates, and both were now comparatively wealthy men. All throughout the Strafford correspondence, one can find letters from the Deputy dealing with the financial difficulties of his brothers, cousins, and nephews, not one of whom he ever attempted to quarter on the revenue. Even his favourite brother, who was unjustly taxed in Yorkshire by a local collector, he declined to assist by political influence, as it was "of too small consequence to trouble his Majesty withal. I will repair any prejudice that can befall you."³

The advice of this pair to Ormonde was to sell outlying portions of his estate, and thus "make a stroke at his debts". Ormonde offered to sell Abbeyleix to Strafford who refused, but acted as broker, and bought it for the Crown at ten years' purchase, which, at that period, was a good bargain, land having risen to close on 16 years purchase. The ensuing Crown rents were £ 2,500 a year.⁴

In thus doing what he could to alleviate the financial difficulties of the Earl, the Deputy was but performing one of the first duties of his office. All during the Tudor and the Stuart times every Lord, Chief, or "man of quality", being props of State, were the special care of the Viceroy. If State Policy broke their power, it never shattered their fortunes. If grants of land were not available the Pension list was a horn of plenty. Who-soever starved in Ireland it was never the Irish Chiefs, and, no matter how many times they had been in rebellion, their petitions were treated by the Sovereign "as worthy of respect in the hope

1) L. P. II. s. IV—164. 2) Ormonde M. S. S. I—25. 3) L. S. II—218. 219.

4) Ormonde M. S. S. I—30; L. S. II—90, 103; R. P. VIII—120.

of better conformity in the future". If Kavanaghs, O'Rorkes, Maguires, and O'Neills were thus fostered—they were all on the pension list of James and Charles—how much more a young scion of a House, that for a century "had discarded Irish exactions and never drawn the sword against his Majesty and his progenitors, thanks be to God".

In South Carlow and North Kilkenny lay a region in much confusion. Seignoral rights, defective surrenders, loose patents, squatters without title, and agrarian disputes rendered it one of those territories which the Defective Titles Commission was called into being to settle. It lay in the Ormonde Palatinate, but that once potent power was fast dissolving. The reign of James is notorious for the quarrells between the different scions of the Butler family, their retainers and dependants. Law suits, forcible entries, arrests, and general pandemonium were tearing to pieces what was once really an independent Kingdom. Among these causes of unrest was the fact that Ormonde was but a boy, and the next heir was Mountgarrett, "married to a daughter of Tyrone, long out in the late rebellion, now poor, and fit therefore to be called into England during these doubtful times".¹ He actually once conceived the idea of abducting the Dowager Lady Ormonde, so as to marry her to one of his kinsmen, and thus strengthen his position.² Mountgarrett was the rival to the Butler dynasty, and as Ormonde lent towards the Crown, Mountgarrett sought aid from other sources. Much of the history of the Midlands between 1641 and 1650 depended on this cleavage among the Butlers. It explains why Mountgarrett, an ardent Royalist, joined the Catholic Confederation, Ormonde being the King's Viceroy.

To part of this territory—namely such as lay in Carlow—a Royal Title had been found in the reign of James. The influence of the Bagenals, however, had kept the report of the Inquisition off the file.³ In the lower part that lay in Kilkenny patents had been issued to Ormonde, Mountgarrett, Lord Londonderry, and others. If the territory was Crown Property—as it undoubtedly was through the Statute of Absentees—patents based on a surrender were dubious. Surrender Patents were only water-tight in counties where the Crown had no lien. It soon became very

1) C. S. P. 1624—478. 2) C. S. P. 1621—117. 3) C. S. P. 1635—107; Laing. M. S. S.—166.

clear that, if Ormonde was to sell his interest, he must be able to produce a good title.

The Defective Titles Commission was empannelled to rectify this. What compositions were made with all parties does not transpire. In Mountgarrett's case the decision was, that he was to pay £ 300 fine, £ 60 rent, and to exchange certain of his parcels with Ormonde. Of the others we know nothing, except that they compounded.¹ One thing we do know for a fact is that, where the interests of the Crown were concerned, Strafford allowed no personal or political considerations to way with him. On one occasion he dismissed a relative of his own from office for corruption.² In Lodge's peerage one cannot but notice that his compositions with men like St. Leger were not lighter than those with the more hostile Undertakers. "Great Ones", he wrote once, "report me everywhere to be the most severe and pressing Deputy that ever lived. I know it comes only from my single heart to your Majesty. My inclinations are more tender than the smooth looks they find in their own bosoms, while they heighten the cry on me, as if I were the most outrageous tyrant that ever lived."³ Suffice it to say that "conditions were agreed on with a large number of parties. These in honesty I will not depart from. It were a foul transgression that I should lead them to surrender their patents, to give up their weapons for promises, and then convey away their lands to others".⁴

When all the patents were surrendered an Inquisition was held, and the territory of Idough was duly found for the King.⁵ In these arrangements a parcel—usually a fourth—was reserved for the Crown to plant under Covenants. The manor of Castlecomber was accordingly passed to Wandesforde "upon a valuable rent reserved to the Crown, and upon Covenants as in such cases of Plantation are occasioned". The rent was £ 40 a year, which would correspond to £ 280 to-day.⁶ Wandesforde then bought out the other proprietors till the whole barony of Idough was in his hands. The cost was £ 20,000, ten years' purchase of the rack rent.⁷

1) C.S.P. 1625—1660—254. 2) History of Richmondshire, Whittaker. II.—159.
3) L. S. II—332. 4) L. S. II—29. 5) I. I. Kilkenny. Car. I. No. 64. 6) L. P. 2.
s. IV—181; Egmont M. S. S. I—222. 7) History of Richmondshire, Whittaker.
II—160.

He thus set up as Planter, and his estate was regarded as the ideal of an Undertaker. He built houses, imported colonists, managed an iron works "different from all the former", and a coal mine "at 9d a cartload, the charges being 3d to the digger and 6d to the owner". He gave 61 year leases to the natives, and "to encourage improvements" collected no rents for the first three years. Whatever were the previous conditions in Idough, we may take it safely for granted that the commonality welcomed the change.¹

At this stage a new character intervened. It was Thos. Howard, Earl of Arundel and Surrey, the Earl Marshall. He was a nobleman of great eminence in that period, sombre, sedate, and placid, with the placidity of one who needs little for which it is necessary to strive. Clarendon gives this little thumb-nail sketch of this great personage. "He did not love the Scotch. He did not love the Puritans. He did not love anybody but himself."² With him Strafford had been on terms of some intimacy. In an arbitration suit he had been his energetic agent.³ In or about this time Charles promised him that, if he could find of the extinct Howard Estates, any parcel not patented it was to be his, "holding it good to draw persons of so eminent a quality to be engaged in some Irish interest for the conservation of that Kingdom".⁴ Such discovery, however, was to be made at Arundel's own expense, and he was not to claim parcels found for the Crown by the Deputy.⁵ Strafford had no love for such transactions. "Business of this nature", he bluntly told Arundel, "should not be carried for private benefit. They should be reserved for the Ministers of State, who may either starken or loosen the proceedings, as the circumstances of the causes and persons, or the consideration of His Majesty's honour may permit".⁶ The King, however, was anxious to reward Arundel, and there was an end of the matter.⁷ All Strafford could do was persuade Arundel to delay his searchings after defective titles till Parliament had voted the subsidies.⁸

Arundel was descended from the Norfolks and the Surreys.

1) Life of Wandesforde, Comber. 100—105; L. P. II. s. IV—181. Tracts and Treatises. Published by Thom & Co. Dublin 1860. pp. 109, 123. 2) C. H. I—201.
 3) L. S. II—456. 4) C. S. P. 1633—11. 5) L. S. II—365. 6) L. S. II—30.
 7) L. S. I—140, 233. 8) L. S. I—232.

Roger Bigott, Earl of Norfolk, had married Maud, the daughter of Strongbow and Eva MacMorrogh. Her Dowry was Wexford. Warren de Mountchensey, Earl of Surrey, had married the other daughter, Joan, whose dowry was Carlow. These facts were unearthed by one of Arundel's agents, and to these two counties was Arundel confined.¹ He first claimed a Wexford parcel in Fort Inoland. This also was one of Ormonde's compositions, he surrendering part of his rights for a good title to the remainder.² This, however, had not been "found" by Arundel, and thus Strafford, according to orders, left its disposition to the King, who intended it for Portland.³ His son, Lord Maltravers, then approached Ormonde. In a series of letters he asked him to provide him with the requisite information, but seems to have drawn a blank.⁴ Then the Howards entrusted their business to two agents, whom Strafford regarded as dishonest and corrupt, and who set to work, not to find unpatented lands, or lands "usurped" by squatters, but to tour the country trying to detect quibbles in the patents of honest men.⁵ In an unhappy moment they lighted on Idough, just after the compositions had been arranged, and before the patents had been passed. A signet letter duly reached Strafford, ordering him to pass a whole barony, the property of other men, to the Lord Marshall, the greater part of which estate lay in Kilkenny, "not being", as he reminded Arundel, "part of your ancestors' estates."⁶ "A suit indeed pernicious and striking at the foundations of State", was Laud's comment.⁷

Strafford stayed the letter. Arundel wrote complaining.⁸ On his arrival Strafford found "Arundel much discontented and his son very grave".⁹ He laid the whole case before the King, who decided that the grant could not pass, that the compositions with the original owners must stand. Charles decided that the best way of redeeming his promise to Arundel was to give him a portion at least of Fort Inoland, Portland having recently died. Strafford then wrote to Arundel, urging him to apply for Fort Inoland, and warning him off Idough, but "without in any way easing myself

1) C. S. P. 1625—1660—270. 2) Ormonde M. S. S. I—27. 3) L. S. I—258, 296, 341, 365, 492. 4) Ormonde M. S. S. I—26, 27, 28, 29. 5) L. S. II—30. 6) C. S. P. 1635—107. 7) L. L. VII—251. 8) L. S. II—3. 9) L. S. II—22.

upon your Majesty's commands", as if he alone was the arbiter. It was a scorching letter, and Arundel never forgave him.¹

All these things did not escape the notice of interested parties in Ireland. Wandesforde had taken over, partly through the leasing of Castlecomer, and partly through his purchases, some of that very mutinous tenantry, of whom the previous Earl of Ormonde used to complain. He also had taken over some of the applotments of those in Idough, who had been squatters for some generations, freeholders in name, through paying chiefry to adjoining Lords. Was it likely that these men would take leases from a stranger? Lastly Mountgarrett was not at all satisfied with his composition. No man likes to compound for what he always held to be his own, least of all one whose "greatness" was such, that the illegality of his previous tenure did not trouble him one whit. When Ormonde wrote to him asking him to arrange details as regards the exchange of lands with Wandesforde, he refused "to submit himself to the King's title", and, through one of his henchmen, "threatened with imprisonment any that should show the surveyor the bounds", he being a manorial lord. The poor henchman was arrested "to show the power of the State", but Wandesforde bailed him out, regarding him but as a tool, and wrote direct to Mountgarrett to affirm or deny the threat. Mountgarrett shrank from the challenge, and bided better times.²

The leader of local discontent was one Richard Butler, a kinsman of Mountgarrett. The inquisition reported him as "in possession" of certain parcels in Idough. It is obvious that he was a tributary of Mountgarrett, who asserted that he was the real owner of the whole barony.³ When the head landlords were compounding with the Defective Titles' Commission, Butler put in a claim as a freeholder. This the Commission rejected, leaving him to a trial by law which also proved abortive.⁴ There were other tributaries either of Ormonde, Mountgarrett or Londonderry, to the number of about 11, whom the Inquisition reported to have no title. Their names were Brennan, whom an indignant manifesto of a later period describes as "a set of thieves without any right or title, who were a perpetual disturbance to the peace

1) L. S. II—27, 29, 30. 2) Ormonde M. S. S. I—37. 38. 3) I. I. Kilkenny. Ch. I. No. 64; C. S. P. 1625—1660—254. 4) T. C. D. I. 5. 26.

of the country".¹ The fact was that their methods of agrarian agitation paid no heed to the laws of *meum* and *tuum*. When the Commission escheated part of the estates of the old landlords, sold it to Wandesforde, and he purchased the rest, these undertenants claimed as independent freeholders. Wandesforde set to work as he put it "to break their combination", by offers of recognizing vested interests and by special terms. He and Ormonde agreed to "win them by fair terms, than to foment their obstinacy by any violent course".² What kind his terms were are revealed in his will. Every inhabitant of Idough who was reported by that Inquisition to be a *terr-tenant* or a man "in possession" was to get "so much money as a lease of 21 years of the moiety of his land" was worth. This was exclusive of any leases he might have been already granted.

Tempers, however, were up. Not only were they fomented by Mountgarrett, who was ablaze at the idea of parting with some of his claims to Ormonde, but "that rascal Jones", as Wandesforde called him, was fanning the flames. Jones was the "beagle" employed by Arundel to prove the whole of Idough was his ancestral estate. He informed Butler and the Brennans that, if they only kept matters in confusion, the King would pass the whole territory to Arundel, and then they would all receive vast scopes, free of rent, and free of chiefry. He also told Arundel that the estate was really his, that the King had no title, and that Wandesforde had persuaded Ormonde to agree to the composition on the promise that the manor of Castlecomer was intended for Arundel, an assertion which drew Wandesforde to procur witnesses and documents to prove the contrary. "A person infamous" was Strafford's description of this worthy.³ Fully confidant now that, with Arundel on their side, there was no need to recognize Wandesforde as their seignory lord or landlord, the Brennans rejected all profers, and, with what forces they could gather, burnt houses, levelled ditches, and destroyed crops, after the usual manner of those who enter an agrarian dispute. Richard Butler was despatched to London to frequent Arundel House and demand Justice.⁴

Strange as it may appear, this was not the first time the

1) Egmont M. S. S. I—222. 2) Ormonde M. S. S. I—32. 3) L. S. II—30.

4) Ormonde M. S. S. I—32, 39; L. P. II. s. IV—182.

parties in an agrarian dispute asked a Court personage to take over the territory for their benefit. The glaring case of this is Phelim O'Neill of South Wicklow. He had passed in his patent the lands of others on a royal letter that only warranted "his country". The patent was challenged by his irate tenantry and opponents, and by his own brother Redmond. Beset on all sides by an angry agitation he adjourned to London, surrendered his patent, and got the whole territory passed to the Earl of Carlisle, by a letter, which, at first sight, looks like a warrant to escheat those lands that were not held under proper feudal tenures.¹ The Earl then appointed Phelim to be his agent or middleman. Wicklow instantly became a somewhat disorderly area.² Strafford solved that difficulty by purchasing the Earl of Carlisle's patent into the Crown for £ 15,000. He then took over the area himself as Undertaker for a headrent of £ 2000 a year, and proceeded himself to solve all the local quarrells, which were indeed many.³

Arundel, Jones, Butler, and Mountgarrett were only stirring up the tenantry for their own ends. They seem to have lavished wild promises. Arundel was really angry, and Wandesforde ascribed his anger to the tales that Jones told him. All parties, however, were ignorant that the King had given his decision. He would not go back on the compositions that had been made with the different seignory Lords. The agents presumed they were only dealing with Strafford, who never told them that the King had decided. "I take the negative to myself" was the reiterated refrain of his despatches. The agents in the end came home with nothing but empty promises, and had perforce to take leases from Wandesforde, though reserving the right to be "loud in words". An officer and twelve soldiers had been sent down to keep the peace. They arrested some offenders, who afterwards were released in the inevitable largesse of pardons.⁴

From this time on relations with Arundel became more and more strained. On his return from the Embassy to the Palatinate he put himself at the head of the French Party, and declared

1) C. S. P. 1617—149. 2) C. S. P. 1619—238, 239; 1623—410, 432. T. C. D. F. 3. 17. C. P. B. XXX—113, 116, 186, 211. 3) L. S. II—60, 106, 175, 407. Egmont M. S. S. I—222; R. C.—191. 4) Ormonde M. S. S. I—41, 43; L. P. II. s. IV—182; Comber. Life of Wandesforde. 102—129. History of Richmondshire. Whittaker. II—160—174.

strongly for a war with Spain. This was equivalent to leading the opposition to Strafford.¹ In the struggle with Loftus, Arundel did everything he could to support the Lord Chancellor.² In the earlier days of the Long Parliament he procured "himself much favour by his declared aversion and prejudice to the Earl of Strafford".³

The whole thing was resurrected at Strafford's trial. The XVth article of his indictment magnified the officer and twelve soldiers into "certain troops of horse and foot, armed in war-like manner, and in war-like array", who "expelled divers of His Majesties subjects from their houses, families, and possessions", and "took and imprisoned one hundred families till they surrendered their estates".⁴ The charge looked well on paper. When it came to the point, however, the Prosecution wisely "waived" that article. No man had been "put out of his possession". No man had been arrested, save for breaches of the criminal law, and even the number was exaggerated. Nothing would have been heard of it at all, if Strafford had not stuck to this point that "in honesty I could not depart from conditions agreed on with my Lord Ormonde and others, nay the not performing of them were a foul transgression, first to lead them on to surrender their patents, and then to carry it away from them".⁵

Nor was that the last heard of the affair. Richard Butler turned up again with a resolution of the Long Parliament, ordering Richard Bagenall to make over his estate to him, which Bagenall declining, he appeared before Parliament again demanding justice.⁶ Nor was Arundel content. Strafford strongly recommended the King to make Ormonde Viceroy. "My humble advice was to have you Lord Deputy, but it was opposed by your countrymen, and seconded with some earnestness by my Lord Marshall. He hath not yet got Idough off his stomach."⁷

If Ormonde had been Viceroy in 1641, the history of Ireland might have been different. If there had been one man of any eminence in the Irish Executive during that year, the Irish Parliament could never have so disturbed titles and encouraged violence to sicken the hearts of every honest subject. The conces-

1) L. L. VII 319.

2) L. L. VII—433.

3) Clarendon Memoirs I—76.

4) R. P. VIII—68.

5) L. S. II—29.

6) C. S. P. 1633—1647—762.

7) C. P. B. I—294.

sions lavished on all the worst elements would certainly not have passed the Seal. The scheme of retaining the disbanded army under ill-disposed subjects would have been nipped in the bud, and the Ulster Jacquerie would not have lasted a week. "If", said the furious St. Leger, "they had been pursued with only the King's standing army, they had by this time been utterly routed", whereas, by the first week in December, "there is not left in the country of Kilkenny an Englishman or a Protestant worth a groat".¹ The fatal policy of leaving Ireland to two incompetent Lords Justices and a panic-stricken Council at a moment such as this, with Great Britain wracked with revolution, produced the ghastliest upheaval in Irish History.

It is incidents such as this that have given currency to the Strafford legend. "It was his foible", said Sir Philip Warwick, "to be too often embroiled in those ungrateful and entangling disputes which the Latins call *simultates*, and which lie cold and heavy on the stomach, and which break forth only when one party hath the advantage over the other."² Those who fell foul of his policy all appeared at his trial, each with his particular complaint. In appealing to a Revolutionary assembly and to the multitude there is only one road to success, the appeal *ad misericordiam*. The Prosecution accordingly was conducted on the lines of sweeping tyrannies and gross intimidation, and it succeeded before an audience intolerant of a reasoned statement of logic, precedents, laws, promises, customs, necessities, and benefits.

To a great extent his appearance and manner lent colour to the tradition. He had a violent temper, partly due to disease, a temper which he did his best to control. "His friends admonished him of it", and, wrote Radcliffe, "he took such admonitions in good part".³ Coke warned him once. "Experience and a watch will cool it," he replied, "It is yet pardonable. My earnestness is for the honour of my Master, and it is not anger that is so blameable but the misapplying of it."⁴ He could indeed break forth on occasions. Once he roared at an officer on parade, and, catching a snigger on his face and a whispered jeer, he galloped up to him, brandishing a stick. "Do that a gain and I'll give you one on the pate", was the Vice-Regal rebuke.⁵ He told the King and the

1) Egmont M.S. S. I.—148, 153. 2) Memoirs. Warwick.—117. 3) L. S. II—435.

4) L. S. I—87. 5) L. S. II—500.

Council that this gruffness was necessary for reasons of State. "When I found a Crown, a Church, and a People spoiled, I could not imagine to redeem them by gracious smiles and gentle looks. It would cost warmer water. The nature of man easily slides into uncontrolled liberty. It cannot be brought back without strength."¹

Apart, however, from these outbursts, his manner in public was unprepossessing. A hostile critic talks of "his natural roughness".² Warwick says that there was "a roughness in his nature which a man no more obliged to him than I was would call on injustice, though many of his confidants would say that he endeavoured to be just to all, but was resolved to be gracious to none, but to those to whom he thought inwardly affected to him."³ This roughness, however, did not prevent him gaining the affection and support of singularly touchy men, of men by no means apt to be overawed. Laud, for instance, was a very irascible prelate. The gentle Usher could display great firmness when he wished, and he said of the Deputy after his last interview "I never saw a whiter soul depart this life". He attached to the wheels of Irish State three Palatinate Lords, two men of exceptional ability, and one who held himself very high in Ireland, Ormonde, Inchiquin, and Thomond. His retinue was by no means composed of figure-heads. . . . Wandesforde said of Dillon that his grip on the Irish House of Commons was the only thing that preserved the status quo in the uproarious sessions of 1640.⁴ St. Leger was a man of great experience, singular activity in peace and war, the equivalent of a Palatinate Lord, and yet, after the crash, he stuck faithfully by his family, whose very house was sequestered by the indignant Parliament, they being left penniless. Coote was one of Cromwell's generals, one of the few Irish officials that astute judge of men retained in office. Bolton and Barry were Law Officers of considerable reputation. Bramhall and Radcliffe were among the leaders of the exiled Royalists that gathered round Charles II, and both were regarded as men of considerable integrity and efficiency. Wandesforde had been the Chairman of the Committee that impeached Buckingham. One

1) L. S. II—20.

2) H. M. C. IV—291.

3) Memoirs. Warwick, p. 110.

4) R. C. 254.

cannot reconcile the lasting attachment of these men to Strafford with the tradition that he browbeat every body, with the nickname of "Black Tom" and "the tigers teeth and claws with which they delight to paint me". It becomes but a fiction when we remember that he had to control also that extraordinary body, the Council, which was a kind of miniature Parliament, and that he could not have had the success he achieved with the Irish Lords and Commons, if he had been personally unpopular. The Earl of Cork's diary—before he quarrelled with him—is full of this "affability" and "neighbourliness", and Wandesforde's nephew—an obscure curate—lifts his voice high in praise of how—"he pulled me by the cloak privately and caused me to follow him into his room, where he takes tobacco, having dismissed all his Captains, and singled me out alone, and was likewise pleased for three hours to discourse pleasantly, and to draw from me of my poor opinion by the gentle openness of his countenance towards me." All this Wandesforde did not forget, and, long after his execution, he remained a voluble champion of the dead Deputy.¹ Radcliffe too, reveals the other side of the picture. "When he had company which suited him—honest cheerful men—he would retire into an inner room, and sit two or three hours taking tobacco, and telling stories with great pleasantness and freedom."² One of his naval Captains, too, said the same. Warwick, who only saw him on ceremonial occasions, said that when he talked his "cloudy countenance had a light and very pleasing air, and indeed, whatever he then did, he performed very gracefully."³ Rushworth said that while "his forehead expressed more severity than affability he was yet a very courteous person", and the Queen put on record that he "was ugly, but agreeable enough in person, and had the finest hands in the world".⁴

It is hard to say whether he was more facile with the pen or in speech. His despatches on the most vexed questions, leave one at the end wondering if there could be such a thing as the other side of the question. His love of the grotesque, his keen sense of ridicule, and his constant resort to irony, make some of his essays on State Policy like the discourse of a cynical sage on

1) Historical Review. IX—550—553. 2) L. S. II—433. 3) Warwick. Memoirs—112. 4) R. P. VIII—772. Memoirs of Madame de Motterville p. 25.

the pranks of children. Once the House of Commons waxed mutinous over a punctilio of procedure, and the following was his comment. "Knowing the nature of these people to have faith in nothing so much as what they conceit themselves, how weak so ever, I did what they wished."¹ In Yorkshire the recusancy fines could never be collected without much commotion, so he devised a policy, whereby each Roman Catholic compounded for a percentage of the fines, paid in advance. For this he was roundly denounced by a Bishop for favouring the Roman Catholics, so that their numbers increased. "I say they are fewer. As the Scottish Minister said "Bellarmine says he is the true Church, and I say mine is and I hope to be believed as well as he". If the Bishop desires to convert any who have not compounded, he'll find plenty, but he is one of those people—as geldings which are moonblind—that start and boggle at every straw."² "I left them, he said of the Council," so that they might deliver themselves more freely, and thus I might discover, through Sir George, how their pulses beat."³ Of the revolutionary zeal for reforming the world by Acts of Parliament, he was eloquently contemptuous. "I did never know a Puritan capable of this Christian wisdom to choose fit times and opportunities, their zeal ever eating up all human judgement and providence with a "Deus providebit" or some such misapplied text of Holy Writ."⁴ Of Ireland generally he said, "With this people *Quo quid crudelius fictum facilius creditur*, especially where their religion or the English Government is concerned." When the Earl of Antrim proposed that he be granted a store of arms to defend the Crown, Strafford genially wrote, "And the Scotch settlers may borrow those weapons off his Lordship, and use them for a longer time and another purpose than his Lordship would find cause to thank them for. They are a shrewd children, not to be won by a Roman Catholic." On a suggested Soap Monopoly he was ribald, "This Kingdom is not so cleanly given as to make it of any consideration. A patent for years that none shall use Mr. Porter's secret will not be denied him, which will be tantamount if his commodity is the better." He hated monopolies. Of them generally he remarked "*Animalia solivaga sunt semper nociva*."⁵

1) L. S. I—405.

2) L. S. I—174.

3) L. S. I—237.

4) L. S. I—267.

5) L. S. II—39, 187, 202.

On the other hand there was a very curious vein of sombre piety underlying his character. He had a host of nephews and wards to whom he used to write epistles of paternal advice, which are the exact antithesis of Chesterfield's letters to his son, all based on the eternal text that, if they were engulfed by the seductions of the revolutionary propaganda, they were ruined men. Nor did he confine himself to advice. The financial affairs of others seem to have taken a great part of his time. He had a host of friends and relatives whose leases, mortgages, rents, and debts he was constantly seeking to bring to some form of order. This activity on behalf of others percolates right through his despatches. He was constantly at work protecting the interests of subordinates, and of those Councillors whom he held to be "of good affections to the King." Some of his most vitriolic despatches are written on behalf of obscure subalterns, whose promotion was barred by a Court letter in favour of some Court flâneur. "He was never weary," said Radcliffe, "to take pains for his friends. No fear, trouble, or expense deterred him from speaking or doing anything which the occasion of his friends required", and it is apparent that under the heading of friends, he included all who were "not tumultuous and contentious," who, as he once put it, "were born creatures of the King and watched lest they be creatures of any other man." "Nephew you are young," he once wrote to a "tumultuous" relative, "and it will not hurt you to hear the counsel of your elder friends, for I am but discharging the trust your father reposed in me. There is a time of learning before there can be a time of guiding. Tumultuous carriage towards those which are set above us are carried along by such as love us not. Let not sudden passion to third persons carry you to the party of strangers. To neglect the friendship of your true friends shall not obtain you the respect of any other person of virtue. If you must oppose choose some other than me to rush upon. I am so confidently set upon the justice of my Master that I shall pass through all the factions of Court and the heat of my ill-willers."¹

There was much of the dictator in his character, but it was accompanied by a great respect for "ways, means, times, and seasons," especially in what he used to call "these distempered

1) L. S. II—311

times." In one way his Irish rule was as slovenly as those of his predecessors. The fines he imposed were often not collected or remitted in part. He closed his eyes to many a performance he could not check. The dispensing power of the Crown was constantly at work exempting men from penalties. The very compositions of the Defective Titles Commission are an outstanding case. In strict law at least a third of Ireland was Crown property, so widespread were these defective patents. A Dictator or a rash and covetous Minister would have demanded the full pound of flesh. The compositions that have come to light are almost ludicrous in their gentleness. This was the greatest reform he achieved. From that time on Irish titles were clear, concise, and settled.

The only record we possess of his Vice-Regal State is the Lismore Papers. They reveal much junketting. His own papers show that he was on terms of intimacy with all sorts and conditions of men, despite their religion, at a moment when religion was the great cleavage. Westmeath, George Hamilton, Lucas Dillon, Father Harris and Toby Matthew are examples of Roman Catholics, and Usher, Sir William Stewart, and Lord Claneboye stand out as typical examples of the Calvinist trend of thought. Add to this his great personal popularity among the Irish Lords, and the tradition of a sombre dictator, invented by the Revolutionaries, becomes a mere figment of political propaganda. It is more than probable that his great hold over the touchy, proud, and independent scions of the Irish Aristocracy was due to his ultra Royalism, his state, his hospitality, and his intense devotion to military affairs and field sports. Add to this that he was a man of abrupt speech, who, having said what he meant, stuck to his opinion, and one understands why men like Thomond gave him his support, Morrogh O'Brien of Inchiquin took service beneath him, and Westmeath—a man "busy and ambitious and in ways very popular, a minion of the Jesuits and Priests, who rivet him as leader of the Popish Party"—used to seat himself at the Vice-Regal supper table without the Deputy inviting him, or regarding it as anything but natural.¹ It is worthy of note that the successful Viceroys of Ireland have been blunt men with a

1) C. S. P. 1624—475; L. S. I—128.

sense of humour. The cautious and heavy Statesman, with that oriental love of intrigue and double-entendre, who fares so well in English popular politics, soon finds his match in the tortuous and subterranean cabals of Ireland. A liar may get applause in Ireland, but that is all. It must be conceded, however, that all through the ages many have been content with that. To some minds the cheers of a minute are a recompence for the curses of a generation. "I shall not neglect", wrote Strafford "to preserve myself in good opinion with this people in regard I become therefore, better able to do my Master's service. Longer than it works to that purpose I am indifferent what they think or say of me. I wish, however, extreme prosperity to them, and I should lay it up as a mighty honour to become an instrument of it. I preserve that intention second after the powers and profit of the Crown."¹ Nor were these but vain platitudes. They were written in reference to a proposal, which had the King's sanction, to put an export duty of 18d on every Irish cow, heifer or ox.² He held it to be bad economy, hampering trade, and therefore hampering the Revenue, and he secured its withdrawal.³

These "simultates" however, were his greatest difficulty, and were, in the end, the cause of his prosecution. He was not the first Viceroy so embroiled. Every Viceroy of the Tudor and the Stuart period owed his recall to intrigues or complaints from Members of the Council. One must remember that, quite apart from the backbitings and intrigues of the minions of a monarchy, and the vanities and peculiarities of great political personages, the Council was composed of representatives of every interest in Ireland. Accordingly the furies of our modern popular politics were concentrated at that period "round the table". Some of these men, with whom Strafford fought, regarded themselves in pretty much the same light as our modern demagogues, who excuse their lies, intrigues, corruptions, and those fantastic performances that delight the public, by the plea that they are serving great popular ends.

After the quarrel with Loftus and Cork, the feud with Mountmorris was the most notorious of his regime. Mountmorris is described by Clarendon as the terror of the Irish Deputies.⁴

1) L. S. II—122. 2) C. T. I—246. 3) R. P. VIII—250. 4) C. H. I—197.

He was a mine of information on the seamy side of Irish politics, and managed its secret service. Already mention has been made of the enmity that developed between this official and Strafford over illegal perquisites and arbitrary commissions. Mountmorris threw himself on the Royal mercy and a Commission was appointed to inquire into these transactions. On their report, Mountmorris, by advice of his counsell, "subscribed the bill, whereby he hath avoided against him for exactions and extortions of fees", and surrendered the office of Vice-Treasurer.¹

Just before the dismissal was sanctioned, an accident occurred which dwarfed the other into insignificance. It was connected with the discipline of the Army. This force had become demoralized during the long peace. It was cumbered with dead pays and absentee officers. The pay of the unfortunate soldiers was frequently in arrears. The inevitable result was that they supplemented their pay by "preying" on the people. From 1620 to 1630 the Army was rather a nuisance than a protection. The only conclusion to which one can come after a perusal of the State Papers during that period, is that the morale of the men must have been of a singularly high order that they did not go into open mutiny and plunder the cities. No modern army would have stood this state of affairs for one month. "These poor discontented soldiers" said one writer, "gape for a rebellion, for then will be gain and hope of preferment".² It is worthy of note too, that despite all the ukases to the effect that only Englishmen should be employed in the task of maintaining law and order, there was scarcely an Englishman in a solitary regiment. "The younger sons of gentry" were found by experience to be better disciplined and more effective than the offscourings of the gaols, which constituted the traditional English conception of what was good enough to be a soldier.³

To bring some form of order into this chaos was one of the first tasks Strafford set himself. With the assistance of St. Ledger and an old soldier by name Sir Francis Willoughby, he managed to create a general discipline. It took nearly five years of annual inspections, ruthless cashierings, and bitter wrangles with monopolists, Court protégés, and vested interests to create an army

1) L. S. I—497, 505; C. T. I—263.

2) C. S. P. 1615—1625; C. S. P. 1625

—1633; Cowper M. S. S. I—456; L. S. I—96. 195.

3) T. C. D. F. 3. 16.

that was paid punctually, whose officers dwelt in garrison, and whose men "were content with their wages". It was not till 1638 that he was able to report progress. "The officers are not only gallant gentlemen—as they were before—but they know how to command. We may now spare out of this body officers and experienced soldiers to lead twice as many men. They marched hither forth of their garrisons without offering the least violence to the meanest soul. They continued here with such quietness you could not have almost taken notice any such man were in town."¹ Nor were these boasts but vain. It was this army of 1,500 men that disciplined the 8,000 levies at Carrickfergus. Of the results St. Ledger after 3 months said, "Their clothes are better, their persons better, and their mettle better. They take the greatest delight and pride in their arms. There is not one of them that can be hired to go out and play kern, except perhaps myself."² All this was done with only one case of a death sentence, that of a man who deserted from a draft, despatched to fight the Scotch in the North of England.³

The importance of this alteration was that this force constituted all the police force of the period. The Tudor method of March Captains and their retainers, or Sheriffs with a loose and disorderly posse comitatus, may have served in the wild confusion of the 16th century, but it had been discarded, not only for reasons of high State Policy, but because it was impossible, dangerous, and a nuisance in "a civil commonwealth". In these times of piping peace the function of the army was to arrest and pursue disorderly persons, highway men, returned swordsmen, woodkern, and those eternal bands of "idle boys" who used to exact contributions under threat of burning the houses.

"In cases", said Strafford "where outlaws and rebels have lain in the woods, and in the night rob and burn houses, and commit burglaries, which are begun commonly by three or four, and increase quickly to a great number, if they be not prevented, the present means is to lay soldiers upon their kindred, by which means they are speedily brought in by their own kindred."⁴ "Rebels", he defined at his trial, as "a company of petty loose fellows that would here be apprehended by a constable."⁵ So lax

1) L. S. II—198. 2) C. P. B. I—224. 3) R. P. VIII—201. 4) L. P. 2. s. IV—180. 5) R. P. VIII—442.

were the Magistrates and such was the contempt with which they were regarded by the people, that it was absolutely necessary to keep in every Province a Provost Marshal with a troop, who used to "pursue and apprehend all loose persons before they could gather to a head".¹

Mountmorris was a Captain in this Army and, as such, was under martial law, with power of martial law over his subordinates. The Army in Ireland, at all times operated under those clauses of the modern Army Act, which deal with active service. Offences against discipline were tried by Court Martial. Even Provost Marshals had the right to try civilians by this code, if caught red handed with arms in their hands. In Falkland's time, this latter power was confined to periods of civil commotion.

Lord Wilmot's evidence on this point shows the extraordinary tangle of Statute and Martial Law at that period. "The articles of War I drafted were those of the four previous Deputies. This martial law is so frequent in Ireland that the common law takes no exception. I have lived to see four Parliaments there, and none of them took exception to it. To govern an army without martial law is impossible. Occasions in an army rise on a sudden, and something must be done on a sudden for example sake to others."²

Mountmorris forgot, or chose to forget, that he dwelt under this code, at any rate in matters military. One night at a dinner party at the Lord Chancellor's house, some humourist related a tale of how a younger Annesley, a cousin of Mountmorris, had moved Strafford's stool in the Parliament, so that the Deputy, then suffering from gout, stumbled with disastrous results. The offender was the identical officer whose "pate" Strafford had threatened to crack. Someone suggested it was done for revenge. "Perhaps it was done in revenge", sneered Mountmorris "of that public affront and disgrace which the Lord Deputy did him, but I have a brother who will not take such a revenge".³

For an officer in the Army to utter such words of a superior officer, whether in public or in private, brings him well within the military criminal code. Any subaltern uttering them to-day in regard to his Colonel would be promptly placed under arrest,

1) L. S. II—107. 2) R. P. VIII—198. 3) L. S. I—500.

and be inevitably cashiered. As it was, Mountmorris had broken two of the standing articles of war. He had first represented a parade ground rebuke—which rebukes are famous for their eccentricities and pungency—as “an affront and a disgrace”, despite the fact that it was undoubtedly merited. He had secondly uttered something very like an incitement to his brother—another officer—to “offer violence to his commander”, and “had spoken words likely to breed a mutiny, or impeach the obeying of the general”. The penalty for the first offence was loss of commission, and for the second death.¹

Such utterances could not be endured. In civil life no one would pay them heed. From an officer of a superior officer in relation to military affairs, before an audience, comprising officers, at a moment when a large part of the army were gathered in Dublin, the utterance became something serious. Strafford wrote to the King, and received permission to prosecute him before a Court Martial.

The Court consisted of the senior officers of the army. All asserted, and this Mountmorris confessed, that Strafford spoke to not one of them before the trial. Nor did he take part in their deliberations. His own brother, who should have sat at the trial, stood aside. Strafford accused Mountmorris of having broken the two articles. Mountmorris first stood on his privilege as a Peer. Then he claimed a trial before a Civil Court. Then he asked for a delay, or to be represented by Counsel. The Court ruled that this was not the standing procedure. At first he would not even answer as to whether he spoke the words. The two witnesses, Sir Robert Loftus and Lord Moore, then related what he said. Finally Mountmorris stood his trial. The breach of the first article he did not deny. As regards the second part he asserted that what he meant was that “his brother would rather die than take such a revenge”. The Court then closed and found him guilty on both charges. They were however in a quandary. The Articles of War allowed them to impose only a death sentence for the second breach. Modern military jurisprudence gets over this difficulty by adding the words “or such less penalty as is mentioned in this Act”. Even so, it is quite a common practice to impose the

1) L. S. I.—501.

extreme penalty pour encourager les autres, and to leave the remission to the General Commanding. This they decided to do. Strafford promised that he "would rather cut off his right hand than have a hair of his Lordship's head injured". At Strafford's trial, Mountmorris related this as an additional grievance, "to compare his hand as of more importance than my head". Accordingly Mountmorris was cashiered, and the death sentence recited, accompanied by a strong recommendation for its remission. Needless to say the recommendation was adopted, and after a week he was released.¹

This affair caused the greatest excitement in London. A member of the Council and a Peer of the Realm had been sentenced to death for but a few words. The hubbub was increased by the appearance of Lady Mountmorris at Court with a doleful petition to save her husband's life, but wiser heads hustled her outside, and induced her to desist from this needless display of stage craft.² Finally the King quenched all the excitement by publicly approving the sentence, and remitting the extreme penalty.³ It was only then the gossips became aware that they had been discussing the mere dismissal of an officer for words he should not have uttered, and, as Cottington put it, "It made a great noise among the ignorant and the ill-affected, but it stuck little among the wiser, and begins to blow away."⁴

This constituted the 5th article of Strafford's indictment, and was a dead failure. It was not Strafford that had sentenced him, but a Council of War which included Ranelagh, then in high favour with the Parliamentarians. The sentence had been ratified by the King as Commander-in-chief. Whatever may have been the legal aspect in England, Court Martials were the recognized process in Ireland for dealing with insubordinate officers. The severity of the sentence was excused by the fact that it was the only one the Court had power to give, and the appeal for its remission had been signed by Strafford. The effort of the prosecuting counsel to arouse the susceptibilities of the Peers by dilating on the rank of Mountmorris was swept away by Strafford in one biting sentence. "In the Army we consider men not as peers, but as officers."⁵ The King never forgave Mountmorris for

1) L. S. I—497—501; R. P. VIII—186—204. 2) L. S. I—508, 510; L. L. VII—220; C. P. I—449. 3) L. S. I—523. 4) L. S. I—511. 5) R. P. VIII—648.

appearing at the trial as a man whose life had been placed in jeopardy, when, as a matter of fact, Strafford had deliberately refused to exact his legal pound of flesh. No Parliamentary pressure would make him restore Mountmorris. "I will not" said Charles, and Charles, despite all his vacillations, could be remarkably obstinate when his temper was aroused.¹

It was these "simultates" that caused the furore on his downfall. It is very hard to say how he could have avoided them. Every Deputy had encountered them. Some had survived. Others had been recalled. A few had been executed. Strafford's position, however, was exceptionally weak. On one side he made enemies by sweeping away abuses. At the same time he had behind him two Kingdoms verging towards Revolution. When the crash came there, what was there to save him in Ireland? There was nothing but the Army, and the mild assent of the "painful subject" in a land sething with blind, contradictory, and elemental forces that could not unite to create, but could unite to destroy. If he had come on the scene ten years earlier things might have been different. In Ireland he "created a good understanding between Prince and people". He had intended by this example to wean the English people from "the fantastic apparitions of popularity". One can detect towards the end grave doubts if it were not too late. When he sailed for England he wrote to Radcliffe, "I find a great expectation drawn upon me, for which I am most sorry, and the nearer I come to it the more my heart fails me, nor can I promise unto myself any good by this journey".²

It was not till about 1636 that the King began to consult him in his difficulties. He had carefully kept out of the Scotch undertaking. His advice when asked had been to spend no money. It was not in the Exchequer. To call a Parliament without great provocation would only result in a refusal. To raise it by levies would only add to the regal unpopularity. His advice was to leave the Scotch alone to fight among themselves, to blockade their ports so as to make their sedition unprofitable, but, above all, to fortify the frontier towns and train the militia behind them. "By that means you may give them leisure to recollect themselves better, to frame supplications as may be granted without diminution to

1) Egmont M. S. S. I—121, 122. · 2) R. C.—180, 181.

the Royal Estate." The strong Royalist elements that existed in Scotland, MacDonalds, Maxwells, and Stewarts would undoubtedly outweigh "the Lords of the Covenant", as soon as the evils of internal dissension became apparent. "There is some good in the evil", he added. "Our neighbours are soundly by the ears. Without assistance from abroad the gallant gossellers shall not be able to bear up arms against the King."¹

This advice was neglected. On the urgent recommendations of Hamilton and Holland the King essayed the task of invading Scotland, while Hamilton carried on some tortuous negotiations with the Scotch. To this Strafford was strongly opposed. The expense, the bankruptcy, and the inevitable plunderings of the ill-paid soldiery "were a remedy worse than the disease". Worse even than these "great Armies" were Hamilton's prophecies of what he would achieve by shady conferences. "By that means we shall be fearfully cast behind in the way to our preservation. Good my Lord, press the King home to secure Carlisle, Berwick, and Newcastle."²

On the failure, first of the disastrous expedition, and then of the yet more disastrous "accommodation", Strafford was summoned to cope this time with a threatened invasion of England. He failed to get the supplies from Parliament. His advice then was to mobilise every man, to commandeer provisions, money, and everything that goes to make an army, and to march straight for the Scotch mobilization, and to scatter it. "If anyone can show you a better way let him do it."³

Nor was this advice so vainglorious as was thought. The Scotch Lords were wracked with dissensions. Loudon, who took part in the invasion, was intriguing all the while with the Government.⁴ Even the Earl of Argyle confined himself to plundering the MacDonalds and took no part in the expedition. He only appeared on the scene after the debacle.⁵ The fidelity of their men was so dubious that 4,000 deserted on entering England.⁶ Their cavalry was small and useless.⁷ After they had won the skirmish of Newburn they came to a dead halt, and confined themselves to plundering the country. As a military danger they were a fantasm.

1) L. S. II—190—193. 2) C. M. IX—10, 11. 3) Cowper M. S. S. II—254.
4) Dom. 1640—610, 611. 5) Dom. 1640—148. 6) Dom. 1640—136; L. P. 2. s. IV—140. 7) Dom. 1640—47.

All subsequent experience showed that the Scotch "risings out" could not hold the field for more than a month.

Strafford's intention was to bring over the Irish Army. Ten thousand fully equipped and perfectly trained swordsmen were no mean nucleus, when supported by a balance of £ 100.000 in the Irish Exchequer. Radcliffe's estimate of the cost of transporting this Army and keeping it in the field for a year was £ 270.000. As nearly £ 200.000 was due on the Irish subsidies, this part of the transaction was well within the limits of practical politics.¹ His intention was to rush this force to Ayr in flat-bottomed boats, having first led the enemy to expect their despatch to the North of England, and, having fortified his base there, to place all the surrounding country under tribute, and to threaten Edinburgh itself.² He was on the eve of his departure for Ireland to perfect this when first a second attack of dysentery, and then a Royal order to take over the English Army altered his plans.³

It was only then that he became aware that, during the four months, when he was lying on the verge of death, nothing had been done by the English Executive. None of the ships that were to supplement these flat-bottomed boats had been provided.⁴ This reduced him to the necessity of repelling the Scotch with the English Army alone. It lay sprawling across the Midlands. Conway however was in front of Newcastle, with the Tyne between him and the enemy. Strafford assumed that his injunctions had been obeyed, and that Newcastle was well fortified. He assumed too that the mobilization had been efficiently accomplished, and that Conway had, not only artillery, but about 3.000 cavalry and 8.000 infantry. In cavalry accordingly Conway was far superior to the enemy. It is significant however that Charles believed that Newcastle would fall. "No man will guarantee to hold it" he said.⁵

Strafford's long illness however had kept him out of touch with actualities. His Irish Executive had moved with such precision that he assumed that the English Ministers had taken all reasonable precautions. Little did he know that Conway's artillery was negligible and his gunners untrained, that his soldiers were but raw recruits, that all his force was about 1.000 horse and 2.000 foot, and worst blow of all—not a trench had been dug

1) R. P. VIII—538. 2) R. P. VIII—554—556. 3) Dom. 1640—306, 447; R. C. 201. 4) Abergavenny M. S. S.—187. 5) H. S. II—149.

round Newcastle. So difficult was it to wring the truth out of anyone that, only a week before the debacle, one of the officers told him that "Newcastle is fortified and we are beasts if we lose it".¹ On Newcastle he had depended to hold them back till the main body arrived.² All subsequent letters show that one short, sharp and decisive struggle in such circumstances, would have produced a different result.

The result was a foregone conclusion. The Scotch drove Conway's force before them. They marched into Newcastle. They placed all the surrounding country under contribution, and sat down to live a life of ease, with no river or forts in front, nothing but broad plains.

Strafford lying on his sick bed heard the news with horror. "Why didn't you leave 2,000 foot in Newcastle", he said aghast "make forts at the ford of Newburn, and hold them there with your horse, foot and artillery"? The messenger then revealed the worst. No forts had been made. There was little artillery. The reinforcements had not arrived.³ When Strafford arrived at the main body the truth was laid before his eyes. The soldiers were unshod, unfed, unpaid, undrilled and undisciplined. The officers had scarcely any conception of their duties. As always happens when reservists, conscripts, or recruits are badly handled there was rampant disaffection and mutiny in the ranks.⁴ "Pity me", he wrote to Radcliffe. "Never came man to such a lost business. The Army altogether unexercised and unprovided of all necessities. That part which I bring now with me from Durham the worst I ever saw. Our horse all cowardly. A universal fright in all. A general disaffection to the King's service, none sensible of his dishonour. In one word here alone to fight with all these evils, without anyone to help. God of his goodness deliver me out of this the greatest evil of my life! Fare you well!"⁵

Such he might write in private. In public he kept a bold face, a very bold face. He afterwards confessed that, in the presence of the men, he talked of nothing but instant battle and "bringing home Leslie's head" in order to give them courage.⁶ To Conway he sent rapid instructions how to evacuate his dangerous

1) R. P. VIII—31; H. S. II—161; C. P. II—99, 107, 108; Dom. 1640—353, 365, 366, 634. 2) Dom. 1646—627. 3) Dom. 1640—647. 4) Dom. 1640—335—340, 440, 448, 475, 493. 5) R. C.—204. 6) H. S. II—290.

position. A hasty messenger was despatched to London to bring up £ 8.000. Every mill round the base was set to work, and every bakery commandeered. "Put as much life into your men as you can", he said, "We can do nothing with a frightened army."¹ Money however was the urgent need, because without money he could not even bake the bread.

He sent a whip to the Yorkshire gentry for a benevolence. Their leaders returned an evasive answer. Promptly he summoned all the gentry of Yorkshire to a large public meeting, and then and there harangued them on their loyalty, their honour, and the danger to their estates if the Scotch broke through. By an overwhelming majority—200 to 10—a tender of a month's pay for the trained bands was provided. He then recommended the King to release the subscribers from several feudal dues, and thus money and popularity were gained at a perilous moment.²

He then turned to the reorganization of the Army. It was quartered in his own County, over which he had presided for five years. He was thus able to make contracts, procure volunteers, and select subordinates more easily than he would have done otherwise. The State Papers suddenly become silent on the question of this mobilization. The "tumults" die down. The demands, complaints, charges, and counter-charges of the officers disappear. It is as if it were as if it did not exist. Simple warrants for shovels, powder, loaves and other mundane matters are all that are to be found. Once a Sergeant Major Nolan with about 70 Irish officers and swordsmen arrives from abroad, draws ration money, swords, muskets and powder, and vanishes post haste to York, on "recommendation from the Lord Lieutenant", pursued by queries from Windebanke as to who he was and what was his business.³ The machine was obviously working at full pressure. In private documents we get glimpses of cashierings, objurgations, a gallows at the head of every regiment, and full rations and punctual pay.⁴

He had only one method which he used to summarize as "rewards and punishments properly applied, whereby the good are encouraged, and those others perchance discontented, which grieves me not". Of the Army itself he had no doubts. Historians

1) C. P. II—109, 110.

2) R. P. VIII—600—628; Dom. 1640—57.

3) Dom. 1640—51, 56, 71, 78.

4) L. P. II. s. IV—146; T. P. III—194; Egmont M. S. S. I—119, 120; Leeds M. S. S.—99.

have assumed that their "tumults and mutinies" before this were due to zeal for politics. "Tumults and mutinies", however, are inseparable from an Army that has no food. The fact remains that once they were paid and fed they became a very steady force, never getting excited when the Long Parliament was inciting all England to Republicanism. "There is no want" said Strafford "in the persons of these men. They are simply unexercised. Theirs are quite as bad and we are more than they. I will undertake to train them. If money is not wanting we may yet give the Scotch the law. If there is no money we must disband."¹

Charles recollected that in the Short Parliament the Peers had been willing to vote supplies. It was just possible that from them he might procure a benevolence. He determined accordingly to summon them to York, or perhaps extract a loan from London. "If it produce projection from the London alembic", was his pithy comment, "it will do well. Else the rebels are like to set the dice on us".² In the meanwhile, however, the nucleus of the revolutionary party was stirring in London. They openly assembled, drafted a list of religious grievances, and tendered them to the Council with a demand that the Council should "put their hands" to the documents, and advise Charles to call a Parliament.³ The "Citizens of London" signed a similar document, but the Aldermen subsequently disowned it.⁴ Influence was also brought to bear on the Queen to recommend the instant summoning of a Parliament. One point there was in favour of the course. If the Council of Peers refused the Benevolence, a Parliament would have to be called. It was better to do it as "an Act of Grace" than as the outcome of necessity. Charles consented.⁵ In other words a year after the Short Parliament, he was compelled to do what Strafford had advised him a year before, "to put himself on the affection of his subjects". Was it, however, now too late? Had ministerial incapacity and Vane's dissolution of the Short Parliament brought the Government into such odium that the subject would risk a revolution for any alteration in the hope of better things?

This was one of the occasions on which Charles displayed his best qualities. Seated on the throne before this Council, beset by

1) H. S. II—240—298. 2) C. P. II—125. 3) Dom. 1640—640; C. P. II—115.
4) Dom. 1640—68. 5) Dom. 1640—67.

overwhelming difficulties, he gave every day a brilliant exhibition of that penetrating shrewdness that he had inherited from his father. If he only had possessed also his father's self-reliance on his own judgement, or his father's skill in discerning the characters of those who tendered him advice, he might have died comfortably in his bed. On this occasion he had to make up his mind on the spur of the moment by himself as each new difficulty arose, and he succeeded, at any rate, in postponing the Revolution for another year, keeping the Scotch out of the Midlands, and creating, out of a welter of disaffection among the Peers, the nucleus of the Royalist Party.

Strafford kept himself very much in the background. He was surrounded by personal enemies, by men anxious to throw the odium of their mistakes on his shoulders, and that large body of opinion which would have applauded him if the war had been successful, and now held that he deserved censure for causing this debacle.

The Earl of Bristol promptly took the lead, seconded by Lord Mandeville. They demanded a full inquiry into all that had occurred, but were driven off that point by the King. To one Peer's suggestion that they should see how money could be raised, Bristol replied that such a course of action would prejudice them with the Commons, whose right it was to supervise such matters. Few men are willing to be taxed, least of all to tax themselves, and the conclave gave a murmur of assent. The Peers that lived in the South of England were not at all alarmed at the situation. Their estates were safe—at any rate for the present—while those over whom the Scotch Army hung like a sword of Damocles sat glumly listening, angry with the King for having caused this disaster, and wondering whither they were drifting, while about half a dozen voluble Southern Peers talked glibly of the coming Parliament, and how it would make all things right. Bristol then proposed negotiations with the Scotch to find on what terms they would release the North of England from their grip. Strafford was on his feet instantly to protest against treating with rebels. Bristol retorted "You are not on terms to measure pikes with them. Here are two armies and we must either fight or treat. If you fight will you win?" All through the debates this query

was put to Strafford, but he refused to pin his faith again on the chaos, with which he was surrounded. He knew only too well that, if he rushed into war again, and either scanty supplies, ministerial incompetence, or treachery caused another debacle all was over. "I am no prophet or the son of a prophet to foretell the chances of war. I am not of the Almighty's Privy Council. Some things, however, I can tell you, and these I leave to your great wisdom. We were not able to beat them. We may be yet. We are more than they. We are not less skilled than they. There is no want in the persons of the men, but they are unskilled and I am training them. If there is no money we must disband, and then your estates will pay for it. At present we can hold them. They cannot advance till after the winter."

Over and over again his enemies, Bristol, Mandeville and Holland, tried to pin him to a promise of victory, and with characteristic coolness he refused to be taunted into such a perilous boast. To a sneer at his Irish Army he flashed back, "Give me ships and it will be here in two days and then you may judge it".

The Northern Lords, however, were quite as anxious for an accomodation with the Scotch as Bristol and his friends. It freed them from the peril of their houses being burnt. Strafford's caution in his military prognostications turned the rest of the assembly against him, and the negotiations began.

Once, however, the Peers began these negotiations they slid gradually down the slope of disaster. They were as it were in a cleft stick. How could they go back and declare a holy war against "rebels and traitors", when they had lifted them to the level of belligerents, and when they knew that, in their midst, were a coterie of their sympathizers? One concession led to another. If they would not fight on one punctilio how could they fight on the next, or the next? A multitude of "punctilios" rapidly extends to a large blot. Bristol found himself pushed on from concession to concession, driven by Mandeville, Saye, and the rest of the revolutionaries, and, at least, the demoralized and wrangling delegates signed a pacification, which a fortnight before they would have repudiated with scorn.

The Scotch were to receive £ 850 a day. It was to be levied

by contributions on the Northern Counties. In other words they had given the Scotch the right and power to exact by duress that coigne, livery, cess, billeting and forced levies, which two generations of Englishmen had rigidly refused to the King. For men who were precise on "the rights of the subject" and "the liberties of the Commons"—as against the King—it was as curious a bargain as the wit of man could devise. Strafford's sneer was cruel. "If we for our King had exacted this sum from the people without consulting Parliament, we would have heard of it. You do it for the Scotch."

It was this blunder that lost the revolutionary Party all hope of ever making headway in the North of England. Those who had to live these six months under the martial law and exactions of the Scotch were only too well aware of whom they had to blame for it. When the Civil Wars broke out the North of England was solid for Charles. Amongst the Peerage too the pacification caused a bitter cleavage. Bristol, for instance, was determined from now on "to be stiff and rigid for the King's authority", and his circle began to talk of "easily and securely beating the Scotch".¹ In a speech to a Parliament he subsequently denounced the whole transaction as "a strange motion", one of "hard digestion to His Majesty, the Lords and the whole Kingdom".² An effort was made to throw the onus of the collection of the contribution on Strafford. He refused. "I that am their common enemy desire to be excused. It is the King's Army that I must maintain and not theirs."

It was in these circumstances that the Lords procured a loan from the City to keep the Army on foot, a loan paid out by dribblets. It was a disastrous and humiliating situation. Endymion Porter put it not inaptly, "Our particular malices one to another make no man look after the Common safety, so that a general ruin is to be feared".³

In all this embroglio the King and Strafford had been helpless. Their fear all the while was that some rift in the lute might dissolve the Assembly, and then they would have to disband the Army. If this occurred the Scotch would sweep through England, and the Kingdom would perish in the anarchies of feudalism.

1) L. P. 2. s. IV—139. 2) R. P. IV—49. 3) L. P. 2. s. IV—144.

Northumberland was under no hallucination as to the danger. "Those that complain will give as great causes of complaint—if they have the power—as those against whom they complain. I never can believe that the Scots love us, nor that they take these pains for our sakes, or that they intend us any good at all, whatever they pretend. It is unlikely that they really intend to reform these abuses, of which they have been partly the cause. There is some mystery in their business. They are too well acquainted with our councils. They are very lucky men to have thus come in the nick, or some amongst us are not as honest as they should be."¹

One thing, at any rate, Charles and Strafford had done. They has kept the Army intact. They had spun out matters till the winter. This gave them a few months' breathing space before the Scots could advance. They had extracted a fluctuating series of instalments of money from the city. If these things had not been done, England in 1640 would have been like Ireland in 1642. They had been granted a temporary reprieve, but that was all. "The uttermost of the Scotch demands" wrote Strafford "are still veiled from us, and certainly by the design of some among ourselves. The minds and the opinions of the subjects are thus infinitely distracted. The Scotch army is by this means kept as a rod over the King to force him to any thing the Puritan and popular humour hath a mind into. The army which is our bulwark depends upon a loan of the City. If that fail we disband. It they will enlarge or straighten as the King shall please the Parliament more or less".²

Strafford was under no hallucination of the dangers that threatened him. He always foresaw that, if ever the King had to face an angry Parliament as a suppliant, his enemies in the Court would stir up popular opinion against him. "A war", he one time prophesied, "will put the King into all manner of high ways, or else he will not be able to subsist. If these fail the next will be the sacrificing those that have been the Minister therein. It would trouble me indeed to find those that drew him into these mischiefs, busy in slipping the halter round my neck, as if they were the

1) C. L. M. II—660. 2) R. C. 214—219; L. P. 2. s. IV—120—148; R. P. vol. III; Dom. 1640—94—210; C. P. II—127—133; H. S. II—208—298.

persons the most innocent, howbeit in truth as black as hell itself." ¹

He knew too that in similar circumstances the Puritan Party would be hot on his track for his action in persuading the Irish Convocation to withdraw the articles of 1615. ² Apart, for instance, from the intense hostility with which his Royalist creed was regarded by the Scotch nobility, the commonalty of that country had been soundly lectured for many a day on his "Arminian" atrocities, by certain of the Ulster Ministers. ³ Already a petition had been despatched to the King demanding his dismissal from the army as a preliminary to peace, and the Scotch were the real masters of the situation. ⁴

The third party was the Revolutionary nucleus lead by Saye, Manchester, Bedford, Hertford, Pym and Hampden. When Strafford first appeared in the House of Commons he appeared as the spokesman of those from whom forced loans had been exacted under threats of conscription and cess, to support a fantastic foreign policy of military activity, that Buckingham had devised to please those to whom such activities are dear. The energy with which he attached this policy led this coterie to believe that he was one of themselves. He said himself that he was never in one of their caucus meetings. ⁵ Be that as it may, he suddenly found that, where he was agitating for the remedy of an abuse, they were striving to pass a measure forbidding the King, even in case of dire necessity, such as civil commotion or foreign invasion, to commandeer goods or to billet soldiers. Where he desired a reform, they aimed at crippling the Prerogative. After a violent scene with Eliot in the House, he openly allied himself with the Ministry, and spent the remainder of his life as the Champion of the Prerogative against all encroachments. The popular Party never had forgiven what they called a desertion. ⁶ What made this party now so powerful was the impetus given to the religious question by the Scotch revolt and their demands for the disestablishment and disendowment of the Church. Behind the Revolutionaries lay that solid mass of opinion that wished to do with the Church Lands what Henry VIII had done with the

1) L. S. II—66. 2) L. S. I—344, 381. 3) H. S. II—107. 4) Dom. 1640—157. 5) L. S. I—300. 6) Dictionary of National Biography; Strafford; Wentworth.

monasteries. Lord Saye and Sele, for instance, had an ancestral estate of but £ 200 a year. His wealth and territorial influence came from illegal leases of Church lands.¹ To men such as Saye—and they existed in every English parish, they or their would be imitators—a man of Strafford's iron views on this subject was a man to be removed by any means that human ingenuity could devise.

What added to his unpopularity was the stampede on all sides to throw the blame on his shoulders. When the cry in London against "exactions contrary to law" was at its height, he pleaded that the contributions he had levied in Yorkshire had not only been sanctioned by the Yorkshire gentry, but by the Council of Peers at York. Like one man the House of Lords gave him the lie direct, and sheltered them selves behind the fact that no formal resolution had been taken or no record kept, though in a record of "the treaty of Rippon" Strafford's account of the transaction is corroborated.² One onlooker summarized the situation thus, "Somebody must be sacrificed to appease the people."³

Public opinion was undoubtedly hostile to him, though it should be noted that the resolution in the House of Commons to inquire into his administration of Ireland was carried only by a majority of 13.⁴ Nevertheless as Northumberland put it, "A greater and more universal hatred was never contracted by any person than he hath drawn upon himself."⁵ The originator of a disastrous war must always face a storm, but in this case he had nothing whatsoever to do with the beginning of this war.⁶ The public, seeing in him the existing confident of the King, traced the national calamity to his advice. One can trace the mixture of motives which animated his unpopularity in the bewildering variety of the articles of impeachment. "I do much wonder," he said "how I, who was an incendiary in the 23rd article against the Scots, am become their confederate in the 27th, or how could I be charged at one time for betraying Newcastle to the Scots, and at the same time with fighting the Scots at Newburn?"⁷

When a message came from the King that he was to repair

1) Fleming M. S. S.—18. 2) R. P. VIII—31, 37, 38. 3) Egmont. M. S. S. I—129. 4) R. P. VIII—1. 5) C. L. M. II—663. 6) L. S. I—190. 7) Dom. 1641—543.

to London he knew what he meant. The Council had recommended his despatch for a variety of reasons that did not deceive him. His enemies obviously shrank from impeaching him when in the midst of the army. "I am to-morrow to London, with more dangers beset, I believe, than ever man went with out of Yorkshire. Yet my heart is good, and I find nothing cold within me. If they come to the charge I will send for you to have your help in my defence. . . . The Queen is infinitely gracious towards me above all that you can imagine, and doth declare it in a very public and strange manner, so as nothing can hurt me, by God's help, but the iniquity and necessity of these times."¹

1) R. C.—218.

PART VIII
THE CLOSING SCENES

Chapter I

THE COLLAPSE OF THE PROSECUTION

I know how easy it is to dwell on the faults of departed greatness. By a Revolution the fawning sycophant of yesterday is the austere critic of the present hour. Steady and independent minds judge of human institutions as they do of human characters. They sort out the good from the evil.

BURKE.

The scene of the trial was Westminster Hall. For days the carpenters had been at work erecting platforms, tiers, and boxes, for legislators, judges, and the audience. The throne was there for the King, but he did not appear in state. On advice, he sat apart in one of the boxes, so that he might hear, and yet be, as it were, incognito.¹ The lattice-work, drawn across the front to make this fiction more real, he pulled down with his own hands that he might have a clearer view. With him were the Queen and the Prince of the Palatinate. In the twin box that lay behind the throne sat a group of French nobles. The French authorities watched this trial with interest. The leader of the Spanish Party was in peril. The English Richelieu was being bearded. The great Cardinal bore him no malice. "The English are so foolish", he said, "that they will not let the wisest head stand on its own shoulders."² In front of the throne sat the Lord High Stewart, Arundel. Beneath him were the judges in their ermine, and the clerks in their black gowns. On the forms around were the Peers, the final arbiters, with their white ermine robes and coronets, amongst whom was Hamilton, in right of his English earldom. Hamilton, who, more than anyone else, had been responsible for all this debacle—for the worst monopolies and the beginning of the Scotch business,—surveyed the scene serenely. He had hedged

1) R. P. VIII—41. 2) S. T. IV—275.

in some mysterious fashion. The "precise party" were righteously indignant some months later when Hyde suggested that he be denounced as "an evil counsellor"¹ No Bishops were present or voted, it being "a cause of blood", an act of abnegation, all the more necessary in these stirring times, when, to be a Bishop, was, in the eyes of many, to be a potential felon, with broad lands, capable of escheat.² Nor did it save them. Three weeks later the Commons fined them £ 85,000.³

Running up from the floor to each side wall were tiers, occupied by the Commons who sat there in Committee as prosecutors. Behind them were little nooks and boxes rented for large sums by curious ladies of fashion, anxious to see the spectacle, and, no doubt, to be seen.

In the centre at a little table sat the prosecuting Committee, led by the cold and stately Pym, logic chopping interminably, in orations which leave the heart cold and starve the intellect with a very meagre dish of facts. One has a very hazy suspicion that poor Pym was a theme rather of mirth than veneration among the revolutionaries. His orations smelt of the midnight oil. Even Scotch Baillie felt a thrill of satisfaction once, when the orator suddenly fumbled, hemmed and hawed through a dead silence, and at last was obliged to produce a well-worn manuscript to continue an oration which, up to this, he had pretended was extempore. The pious Baillie, after a sardonic contrast with Strafford's natural rhetoric, attributed this debacle to divine intervention "to teach the man humility."⁴ Nevertheless, Pym served the great purpose of exhaling a sober atmosphere of sombre respectability, without which no Englishman feels quite at ease in matters political. The real driving force, however, was his rasping lieutenant St. John,—*"a natural son of the House of Bolingbroke"*—determined to avenge a bygone feud with the Court. He was a silent man in private, who held himself aloof from the Revolutionaries, but was the life and soul of the Prosecution, and the inspirer of their political tactics. His final oration contained only one plea, but it sufficed. It was one of Strafford's inverted,—*salus populi suprema lex*,—their own destruction or Strafford's head. "Unto wolves and beasts of prey", was one of his argu-

1) C. H. I—87, 88. 2) R. P. VIII—41. 3) R. P. IV—235. 4) B. D. I—348; Brief and Perfect Relation p. 39.

ments, "no law is given."¹ His oration on the Bill of Attainder we are assured "gave universal satisfaction," Clarendon quotes with wonder his daring remark to the House of Lords, "Vote, not according to the evidence, but according to your consciences".

In a prominent place, within reach of these, sat the representatives of the Irish Parliament, a very curious coterie of persons. Some of them were slightly out of their element, and must have squirmed at the references to "favours shown towards Irish Papists," but they bore it manfully for the good of the cause. The Scotch too, had their vigilant guardians, somewhat impatient of these delays.² Their instructions were that the Scotch Army would not leave England till Strafford's head fell. There were about a dozen Scotch Lords, who knew, that, as long as he lived, the block was their possible destiny. He had however, to be tried by English methods, and the Englishman likes to do everything by form and precedent, as it were to slow music. "Most are of opinion", wrote one at this moment "that when he hath shown all his skill, his head must be a satisfactory sacrifice."³ The Scotch accordingly had to wait till the skill was shown. One has only to read Baillie's despatches to realize the Scotch indignation at every delay. Anyone, who suggested such a thing as time for Strafford to reply to the Articles, is instantly branded as an enemy of the cause. "We have sent in the Articles," was one gem, "We will give him two or three days to reply, and then execute."⁴

At a little table at the lower end Strafford used daily to take his place. He had four secretaries and five lawyers. The latter, however, were not allowed to speak, save on matters of law.⁵ In Lord Bristol's case the accused was allowed full use of Counsel, but Strafford was unable to procure the ruling made on that occasion.⁶ Stroud went so far as to propose the impeachment of any lawyer or witness, who might appear for the defence, but this was considered an indelicate motion, and was duly rejected.⁷ One of the Lawyers who did plead, afterwards said, that nearly all the legal precedents that Strafford quoted were of his own discovery.

Apart from these, wherever there was room surged the multitude. "It was a glorious assembly," said Baillie "but the

1) L. S. II—431. 2) R. P. VIII—18. 3) H. V. C. II—261. 4) B. D. I—239—243. 5) R. P. VIII—21. 6) L. S. II—431. 7) B. D. I—252.

gravity not such as I expected." There were frequent clamours at the doors. Once Strafford had to appeal to the crowd to stand back.¹ In the intervals, between the close of the prosecution and the beginning of the defence, there was much walking about and animated conversation. Towards midday wise ones produced their edibles and refreshed their wearied frames. Bottles of beer and wine were passed from man to man "without cups." No one was allowed out, nor was there any place of retirement, and, accordingly, to Baillie's horror, many were reduced to uncivil extremities, *coram publico et rege*.²

Strafford's difficulties were very great. The Articles of impeachment had been published broad cast, and public opinion held him to be the great delinquent. Many of these Articles were mere window-dressing. "A great many thousand eyes", he said, "have seen my accusations whose ears shall never hear that, when it came to the upshot, I was never accused of the same."³ Rushworth, however, asserts—and he was an impartial reporter—that, till the end, the London crowd were "neither great nor troublesome, and all saluted him, and he them with great humility and courtesy. More is thrust upon the vulgar than they deserve."⁴ Baillie, however, contradicts this frequently, and relates, how, at the close of one day's abortive proceedings, he "slipped away with his keeper lest he might be torn away in pieces." The general correspondence of the period, however, notes no popular display till the end of the trial. Baillie somehow gives one the impression that he regarded all the world as agog for "the kirk", and assumed that everyone was as zealous and as angry as himself.

The second difficulty under which he laboured, was the impeachment and restraint of Radcliffe, Bramhall, Bolton, and Lowther. At one blow he was deprived of his most valuable witnesses. In addition to this very short notice was given to him of the details of the charge. For three months the State dossiers and his private correspondence were ransacked for charges. The Articles were only delivered on January 30th. His answer had to be returned in three weeks, and, if the winds were contrary, a letter sometimes took that time to reach Dublin. The shortest period for delivery was eight days. The trial began on March

1) R. P. VIII—156. 2) B. D. I—257; May. History of Long Parliament. p. 91.

3) Dom. 1640—542. 4) R. P. VIII—42.

22nd. On the 25th of February the Irish House of Commons issued an order to seize all letters and documents addressed to him on any vessels leaving Dublin.¹ He only received the warrants for his witnesses four days before the trial. Fortunately Usher, Dillon, Adam Loftus, Coote, King, his secretaries, and a minor official of the name of O'Reilly were in London, and with these he had to do what he could.² Nevertheless the absence of witnesses and documents proved a very serious matter on several occasions.³ As it was, one of the deadliest charges—levying war on the subject—was sprung on him at half an hour's notice. The Article had ended with the words "divers other cases", and, under cover of this, a witness was produced to swear that soldiers, having been cessed upon him, plundered his goods, contrary to all law. Strafford had no rebutting evidence to this charge, and had to answer it by disproving their plea of agency, and by relying on the Statute that demanded two witnesses for treason.⁴ Lastly his frame was broken with constant gout, stone and dysentery. Once during the trial it seemed as if he would be unable to appear.⁵

Despite these advantages, however, the prosecution collapsed. Article after Article was produced and proved but vain and unprofitable. Baillie quotes him as describing it as "fim flams, table-talk, and fearie faeries."⁶ On the first view of the Articles he wrote, "I see no capital matter, nor any misdemeanour, which I am not, I trust, able to clear, if I might have as much time to answer, as they to gather the accusation."⁷ When the 19th article closed he was confident. "We gain much rather than lose. I trust God will preserve us, and as, of all other passions, I am free of fear, the Articles that are coming I apprehend not. The Irish business is past, and better than I expected, their proofs being very scant. God's hand is with us."⁸

The impeachment was a series of disasters for the prosecution. The fact was that Strafford was a match for the Parliamentary lawyers. He adopted an attitude almost of humility where they scolded and stormed. One of their supporters said that they only "begot pity for him among the onlookers." Master as he was of the art of pathetic speaking, this line of tactics gradually lulled

1) R. P. VIII—178. 2) L. S. II—434. 3) R. P. VIII—212, 219, 239, 412, 446.

4) R. P. VIII—426—460; L. S. II—432. 5) R. P. VIII—45. 6) B. D. I—285.

7) L. S. I—415. 8) R. C. p. 222.

the passions, which fierce revolutionary propaganda had aroused. What added to this was that he never turned and rent those who testified against him, "especially in business where he can make good clear work for himself. There never was any man of so unmoveable a temper."¹ An undoubted revulsion of feeling also set in on the collapse of the religious charges, after all the previous assertions that he was a Papal emissary in disguise.² Another point in his favour was that nearly everyone was getting sick, tired, and disgusted at this personal vendetta, monopolizing all the energies of the State, at a moment when a Scotch Army was encamped on English soil, and supported by English cash.³

That Strafford had the gift of eloquence was plain even before this. At his trial, however, his brilliancy scintillated. Some of the *purpurei panni* are masterpieces of English prose. He handled Acts of Parliament and legal precedents as if he had spent all his life at pleading. Slowly but surely he gained ground. On all sides his eloquence was gaining applause. Whitelocke, the Chairman of the prosecuting Committee said, "Certainly never any man acted such a part with more wisdom, constancy, and eloquence, with greater judgement, reason, and temper, with a better grace in all his words and gestures, and he moved the hearts of all his auditors—some few excepted—to remorse and pity."⁴ May said that towards the end "people began to be divided in opinions. Of the misdemeanours laid upon him, some he denied. Others he excused with great subtlety." The feminine portion of the audience was openly in his favour.⁵ Even Baillie said, "He made such a pathetic oration as ever comedian did on a stage. If he had grace and goodness, he is a most eloquent man."⁶

The 23rd article was approaching. It accused him of procuring the dissolution of the Short Parliament. In his written reply he had revealed the singularly startling fact that he had tried to maintain that Parliament, and it was Vane's conduct that had led to its premature dissolution.⁷ During the trial there were hopes that Strafford would, to save his life, reveal certain malpractices of other officials.⁸ The hopes were falsified, but in the case of Vane, he lifted a part of the curtain, and what he revealed

1) H. V. C. II—261. 2) Cowper M. S. S. II—280. 3) May. History of Long Parliament. p. 86. 4) W. M.—43. 5) May. History of Long Parliament. p. 92. 6) B. D. I—291. 7) R. P. VIII—29. 8) Cowper. M. S. S. II—274.

was not lost upon the Parliamentarians.¹ "Now he impeaches Great Ones of treason", wrote one gleefully. "Shortly no doubt, we shall have great news."² This exposure of Vane, Strafford was able to make, because the King had given way to the request of the Parliamentary Counsel, that Counsellors could reveal what had occurred "at the table".³

Vane was in a very delicate position. Firstly he was an official of State. No small part of the secret support accorded to "the precise party", came not only from Peers, who had no sympathy with their views, but from Court personages, who regarded the Parliament with contempt. The *Fons et Origo* of this under-current came from a desire to create vacancies in the administration, to supplant existing officials. At one moment, some of the most influential members of the Opposition opened up negotiations with the King via the Queen, not only to drop the prosecution of Strafford, but to leave him in full possession of his office, if a series of high posts were accorded to Saye, Hollis, Pym, Hampden, St. John and some nameless person who was to be Treasurer. Juxon and Cottington resigned to facilitate this, but, according to Whitelocke, Charles drew back, whereupon "the great men became the more incensed against Strafford".⁴ This occurred at a very early stage. The feud with Cottington was undoubtedly due to Saye's determination to be Master of the Wards.⁵ Northumberland was by no means averse to a threatened indictment of Hamilton.⁶ Windebanke and Finch had been driven out of the country. The "precise party" had carried a series of resolutions by which they had the whip hand of every official, who had sat in the Star Chamber, issued a Ship money writ, or written a letter for composition with a recusant.⁷ How long would Vane last in this embroglio of "private practice for private men to work out their own ends and preferments"?⁸

Vane was also worse than an official. He was a monopolist, and the House was expelling all monopolists who did not belong to "the precise party".⁹ About a fortnight after Strafford's trial they picked out 14 such as "delinquents", men to be prosecuted.¹⁰ About the same time, a secular, anxious to score off the Orders,

1) B. D. I.—260. 2) Kenyon. M. S. S.—61. 3) P. L.—23. 4) W. M.—41.
5) C. H. I.—92. 6) C. L. M. I.—664. 7) C. H. I.—71. 8) Cowper. M. S. S. II—280.
9) Dom. 1640. p. 263. 10) May. History of Long Parliament. p. 85; Verney. Notes on the Long Parliament. p. 79.

appeared before the House and announced that the monopolies were the work of the Jesuits.¹

Vane's monopoly was powder, and it was one of the worst.² Strafford had raged furiously against it. He was obliged once to return 69 barrels, partly because the powder was unserviceable, partly because the barrels were only half full.³ Strafford had tried to set on foot a scheme for making powder in Ireland, but had received a peremptory order to cease, which he obeyed with great reluctance, as he did not wish to have another similtas at the moment.⁴ This monopoly, however, had caused bitter heart-burnings in Yorkshire. Loyal squires and farmers, who trained with the militias, had to purchase powder at Vane's price, and were once on the verge of mutiny. They saw no reason why their voluntary services should be exploited by one of the Ministers. Strafford roundly rebuked them for raising these points at such a moment, but urgently advised the Council to let them have the powder at a fair price. "I wish with all my heart", he said, "so contemptible a sum had neither been denied the Country, nor stood upon by them". His advice, however, fell on deaf ears.⁵

This monopoly was a serious charge, if the Parliamentarians chose to press it. There was another looming in the distance. Vane had issued the warrants to search the houses of "the precise party" on the dissolution of the Short Parliament.⁶ The official who executed it was now in gaol. True it was that Vane had great protectors. Northumberland and Hamilton were both his patrons.⁷ His son was high in the favour of the most advanced of "the precise party". Would, however, all this avail him in a situation like this, when every official was like a "suspect" in the French Revolution, when even Hamilton had much ado to save his own skin? On December 3 Vane thought himself secure. By December 10—a few days after Charles allowed the Council to be examined—he was meditating resignation.⁸ Vane indeed was in a quandary. On one side was certain disaster. On the other were new Powers asking, in season and out of season, if Vane had ever heard Strafford threaten to commandeer the property of the subject, and to use Irish troops for the purpose.

1) Dom. 1641—564. 2) L. S. II—47, 125, 145. 3) L. S. I—306. 4) L. S. II—87, 102, 289. 5) L. S. II—125, 282, 288, 307. 6) C. H. I—72; W. M. p. 38. 7) Warwick. Memoirs. p. 141. 8) C. L. M. II—664; P. L. p. 23.

Where did they get the story of the Irish troops? It was undoubtedly current gossip in Ireland. An Irish letter of the previous summer, addressed to the Earl of Cork, asserts that the raising of Irish troops was for the purpose of "reducing the English to the King's will".¹ What partially added to the circulation of this story was a petition of certain Peers laid before the King at York.² They asserted that "the bringing in of Irish and foreign troops is credibly reported".³

We can easily trace the origin of this. In 1639 Windebanke had conceived the fantastic policy of coping with the Scotch by borrowing 10,000 mercenaries from Spain, mercenaries of whom many were Irish. Charles had allowed him to correspond with the resident at Brussels and the resident at Madrid on this subject. Windebanke then tried to tack on to this policy a proposal that Charles should recognize the Vatican for the sake of procuring the right of being consulted in the nomination of Irish Roman Catholic Bishops, and should, by proclamation, declare openly that all Roman Catholics were entitled to freedom of worship. Needless to say this did not materialize. The whole incident was the work of that Ultramontane nucleus at the Court, who used Windebanke as their tool. All of them, Windebanke, Monsignor Conn, Wat Montague,—the brother of the Earl of Manchester,—and Gage, the Brussels Resident, were notorious for their indiscretions. This very soon became common gossip, and, in 1640, every one naturally assumed that the incident would be repeated, especially, as, on the eve of the campaign, Strafford had been closeted with the Spanish Ambassador, seeking to establish an alliance with Spain on a pecuniary basis.⁴

At the time Strafford had no objection to any rumour as regards the despatch of his Irish troops to England. Nay he deliberately encouraged it "to mask other designs".⁵ What no doubt lent it credence was the fact that there were already Irish troops in England, and that vociferous Irish gentlemen were asserting that more would come. Lord Barrymore had 1,000 foot and Dungarvan had a troop operating in Yorkshire.⁶ Men like the Earl of Kildare were loudly proclaiming their intention of "raising

1) L. P. 2. s. IV—122. 2) R. P. VIII—555. 3) H. M. C. III—3. 4) C. P. II—19—32, 51, Appendix XXVI—XXXIV. 5) R. P. VIII—29, 555. 6) L. P. 2. s. IV—14, 15.

thousands of Irish" and dealing drastically with all who said "nay" to the King.¹ Apart from these two origins of the story there was also an undoubted leakage of information from the Council, which was, no doubt, distorted before it filtered through the Court. One can assess the popular excitement on the subject, when we find, in Sept 1640, it distinctly stated that the troops had actually landed in Lancashire, and there were many who had actually seen them.² In war and civil commotion such persons are always found, convincing not only others, but themselves.

The Prosecution were undoubtedly in possession of this story that Strafford intended to "fall upon the English Lords who are the countryway", with Irish troops, and they had some basis for this story in December.³ That they had no evidence of any value is shown by the fact that, after the Articles were drafted and presented, they were convinced that they were wrong in the port of disembarkation, and that it was Wales the troops were to land.⁴ The origin of that tale was that the Privy Council had ordered Bridgewater, Pembroke, and Worcester to raise men in Wales, and, as Worcester was a Roman Catholic, they deduced mysterious plots.⁵ Before that, their basis were a vague conversation Radcliffe had with Sir Robert King, in the hearing of Ranelagh, who was obviously their informant, and who—it is quite likely—started them off after this hare.⁶ For this reason their very first action was to arrest Sir Robert King, in the hope of extracting something from him. "A material witness" they called him.⁷ Other information we may assume they had, but not such as could be produced in public. Some of their informants were remarkably shy of committing themselves to their side. They were therefore reduced to accusing Strafford first, and hunting for charges and evidence afterwards, as if—so Sir Philip Warwick put it—"trailing for a hare".⁸

Be the origin what it may, the Commons had this story, and twice tried to extract corroboration from Vane. The first time—at the beginning of December—he knew nothing. "I cannot charge him with that", were his words. The second time he had something to tell of how Strafford had advised the King that he

1) L. P. 2. s. III—48. 2) H. V. C. II—258. 3) B. D. I—218. 4) B. D. I—246.
5) Brief and Perfect Relation. p. 39; B. D. I—246. 6) B. D. I—226; R. P. VIII—537, 538. 7) R. P. VIII—4. 8) Warwick Memoirs. p. 155.

"was now absolved from all rules of Government". That disclosure had first come from Northumberland, and Vane agreed it was true, when interrogated. Being "pressed to that part concerning the Irish Army" he said again, "I can say nothing to that". "Divers weeks" then elapsed. Vane was tackled again. This time he electrified the Committee by declaring that Strafford had uttered some words in the Council that suggested the sinister design to crush England with Irish troops. The rest of the Council had been already examined. They all denied that there ever was any such intention.¹ Recent documents have fixed the date of Vane's third examination. It was about five or six days before March 13.²

This date had a deadly and sinister significance. On March 4. the Monopoly of Gunpowder was voted illegal.³ The patent had been passed in the name of Cordwell, a manager and man of straw for Vane and his partner Newport.⁴ Let but some one rise now to point a finger at Vane, and he might be where Strafford was!

A few days after that resolution, Vane tendered his revelation. It put the prosecution in a quandary. The Articles were drafted without this knowledge. The evidence could not be used with ease. Part of Vane's evidence and accusation was in one article, part in another, and part in a third. The Prosecution accordingly had to beg for leave to take five articles *in globo*.⁵ Vane had now burnt his boats. He was in high disfavour with both the King and the Queen. Would the Parliament, however, take him to their bosom for evidence thus uncorroborated?

In the meantime a series of desperate intrigues convulsed the Royalist Circles. Anyone with even a superficial knowledge of politics is aware that, when statesmen are falling, and great offices of State are vacant, not only do the most curious influences come into play, but men form the most unnatural cabals to lift themselves into power. The placehunter has no politics. His moral code even is dubious, because he frequently assumes that he is *publicum bonum*, and his promotion means the welfare of the State. The movements of popular parties, as well as the intrigues of Courts, depend often on the allocation of high offices. The greatest vested interest in affairs of State is not land, clergy, capital, or popular covetousness. It is the brotherhood of the

1) R. P. VIII—51, 52; Lord Digby's Speech, London, 1641. 2) Cowper. M. S. S. II—274. 3) R. P. IV—203. 4) C. P. II—112. 5) R. P. VIII—521.

Placemen. A Demagogue, who can allure them to his standard, is a power in the land. A Statesman, who either rebuffs their demands, or seeks to curtail the spoils of office, inevitably falls like Lucifer, amidst the plaudits of the populace, never to rise again, as being *inimicus homini*.

By the time the trial had begun, four great offices of State were vacant, the Keeper of the Seal, the Lord Treasurer, the Master of the Wards, and the King's second Secretary. The post of Solicitor General was also vacant, and fell to St. John. Pressure also might produce other vacancies. A desperate effort, for instance, was made to depose Hamilton, and all sorts of personages opened up negotiations with the Parliamentarians for that purpose. Hamilton, however, was too astute. In every faction he had his ally, and accordingly survived.¹ If Strafford was disgraced the post of Lord Lieutenant of Ireland would be open for competition. For this last post the rivals were Danby, Leicester, Ormonde, Holland, and, if the post was devolved on Lords Justices, Parsons, Dillon, Borlase, Cork, Wilmot, Mountmorris, and Mr. Speaker Eustace were all in the field. When Charles, at a later stage, promised never to employ Strafford again, he did so with the astute intention of easing the animosity against that statesman.

Northumberland was very active in these intrigues. If we except Arundel and Pembroke, he was the only one of the great feudal noblemen who had survived the Tudor period without diminution of honour, power, or territory. He was in England what Argyle and Hamilton were in Scotland, what Clanricarde, Antrim, Thomound, and Ormonde were in Ireland. He was "a great subject", and these "Great Ones" did not owe allegiance to the Sovereign. For generations they had been in rebellion. The Tudors and Stuarts owed their popularity to the fact that they stood between them and the subject. If one of them served the King, it was a matter of personal taste, almost a personal alliance, to be broken if circumstances altered. In Northumberland's case—as in Hamilton's—matters were further complicated by the fact that Northumberland's mother was a possible claimant to the throne. If Hamilton and Argyle in Scotland, and Clanricarde in Ireland, were using the King's difficulties to recover certain of

1) B. D. I—253.

their lost prerogatives, was Northumberland in England to remain quiescent and not utilize the situation?

Relations had been friendly between him and Strafford, chiefly through the mediation of Lady Carlisle.¹ Strafford had encouraged him to take service under the King, as Commander of the Fleet, but Northumberland had soon tired of the task. It was not in his nature to wrangle with Admiralty officials, or to suffer members of the Council gladly. He had the brains to detect the dangers that beset the King, but neither the thick skin nor the originality to devise any remedy, save "giving the Scots what they want for the present", oblivious of the fact that, while their Ministers were demanding a "Free Kirk", their Lords were on the warpath for feudal rights and Church Lands, and these Charles would never grant. This is what Strafford meant when he said, "Their demands are not matters of religion, but such as strike at the root of Government".² Accordingly Northumberland trimmed. It was true he still sat on the Council, sat in "the Junto for Scotch affairs", and was appointed Commander of the Forces. Nevertheless, his heart was not in the matter. The financial difficulties, the confusions, the wrangles, and all the rough and tumble of high politics chilled his energies, and, when the Scotch invaded England, he resigned his command to Strafford on the plea of illness.³

After Newburn his one aim and object seems to have been to bring back his kinsman Leicester from Paris, and to procure for him some high post at Court. For this purpose he formed an open alliance with Vane. He approached the King with the astounding proposal that the King should make Leicester his Private Secretary. Neither Northumberland or Vane were fools in matters political, and both knew, or should have known, that this post was reserved only for commoners, men whom the King could "unmake" by a mere breath. A year before Northumberland had sounded Strafford on the proposal to put Leicester into the place of Coke, the other Secretary. Strafford was amicable and friendly, but he told Northumberland it could not be done.⁴ Charles gave his refusal bluntly, coldly, and rudely, and displayed ever after a coldness towards Northumberland that was unmistakeable.

1) L. S. II—43, 54. 2) R. P. VIII—531. 3) Warwick Memoirs, p. 147.

4) C. L. M. II—620.

Northumberland's cipher despatches at this period are worthy of reproduction as revealing a glimpse of the seething under-currents.

"Nov. 13. The King must give way to the remove of divers persons. . . . If these designs of reformation succeed, we shall see many changes. That which I wish for you is the office of Treasurer, Lord Lieutenant, Secretary, or Master of the Wards. If by my watchfulness or credit anything can be done, it will be done.

Nov. 26. All these (Ministers) are ruined. . . You are in no less danger. . . . If, in all these changes, some good advantage fall not to you, your luck is desperately ill. .

Dec. 3. The Parliament is unsatisfied with Bedford. He will not be Treasurer. Vane has no thought of going, but, if you desire to be Lord Lieutenant, I believe he will assist. . . . I will make preparations. The Parliament knows Hamilton's conditions so well that I hope they will not leave him where he is, though "our court" do much labour and desire it.

Dec. 10. Vane is thinking of changing. I asked the King what he thought of making you Secretary. He said you were too great for that place, and he intended not to have any of that quality near him. When I came to debate the point with him he said it was his rule. I replied perhaps another place would be shortly vacant, which he might grant. He made a cold return. He is not well satisfied with me, because I will not perjure myself for the Earl of Strafford. I am resolved to see what I can do by Parliament, if I see a likeliness of sailing the other way, and, by one of these, you will be either Secretary or Lord Lieutenant.

Dec. 17. The King is unsatisfied with me. The motion made by me for you was less grateful to the King because it was made by me. No displeasure shall hinder me from using all means. . . . Bedford is in so good estimation with Parliament that he will be Treasurer. Holland will not go to Ireland. He had vanity to hope for it, but no one held him fit. No creature has named Danby.

Dec. 31. Vane has promised his assistance, and I cannot mistrust that he will readily perform it. I employed some to sound Hamilton. He is favourable, but the King hath the same coldness towards you. . . . In some months, however, he will have to make changes, and I am persuaded I will be able to get

you recommended by Parliament, if by other means it cannot be obtained.”¹

This correspondence gives us a glimpse of the undercurrents at the Court, the mutual friendships and alliances, and how men like the Lord High Admiral were coquetting with the Revolutionaries in the hope of capturing Strafford's post—if vacant. Leicester—it might be added—was a patron of the Puritans. His theological cast of mind gravitated in that direction.² Before the crash, however, he strenuously denied this insinuation.³ The rival and “secret head of the Puritans at Court” was the Earl of Holland. “Our good friend” he was called by Baillie.⁴ By February Leicester was almost in despair. His Secretary was negotiating with the Parliament via Hyde.⁵ He was also making all manner of overtures, political and Puritanical, to Mandeville, even going so far as to denounce Bishops.⁶

Suffice it to say that Vane and Northumberland were in December on excellent terms, that Hamilton—whom Northumberland had tried to depose, as being “the most dangerous man in England”,—was not unfriendly to the cabal, and that its object was to make Leicester Lord Lieutenant of Ireland, by any means, honourable, or dishonourable, even to the tendering of evidence destructive to Strafford, which Northumberland possessed. It should be remembered that before this, Vane had the confidence of both Hamilton and Northumberland, who found him useful in much of their business.⁷ Another great advantage Northumberland possessed at this moment was that young Sir Harry Vane owed his important and lucrative post in the Admiralty to his good offices.⁸ The trio therefore had, right in the headquarters of the Revolutionary party, a capable, industrious, and active agent who could smoothe over acerbities, give them warning what was coming, and advise them on what terms “the precise party” would be content to leave them alone. Furthermore, in trying to grapple with Vane's character in all this embroglio we must not forget something else. In January the Queen, and probably the King, had been willing to make a clean sweep of the offices of State to save Strafford. As long as there was a possibility of his being pre-

1) C. L. M. II—662—667. 2) L. L. VII—568. 3) C. L. M. II—632, 636.

4) B. D. I—248. 5) C. C. P. I—218. 6) H. M. C. VIII—57. 7) Warwick Memoirs. p. 141. 8) C. H. I—75.

served there was a possibility of Vane's being dismissed to please "Parliament men". If Vane had information in his possession, why should he keep it for an employer who could do this, when "the precise party" would forbear their pursuit if it were tendered to them? Hamilton had made terms. Northumberland had made terms. Why should Vane not go and do likewise by revealing a remark, on which others could put the interpretation, he declining to commit himself?

Before February 1—the date when the Articles were drafted—Pym—the author of the Articles—had heard something about the Irish Army. After the Articles were drafted, and before the trial began, Vane testified that these words, viz. "reducing this Kingdom by an Irish Army"—or some words like them—had been uttered by Strafford in his presence. Pym, after this, assured Lord Digby that "his testimony would be made convincing by some notes, which I ever understood to be of some other counsellor". Pym at the time produced no notes.¹

Digby's assertions must be taken *cum grano salis*. He was, at the moment, defending himself before a hostile House. He was explaining why he, a member of the prosecuting Committee, was about to support Strafford. A reason had to be given to conceal the fact that it was due to his father's change of policy, his father being Lord Bristol. If, however, he had made any glaring misstatement of fact, Pym would have very soon called him to account, and that lapse would have been published as frequently as were the editions of his speech.

Every effort was made to upset Digby. First he was called to account for his indiscreet phrases. Then he was badgered for four hours by a special committee, and they were not—as he subsequently boasted—"able to expose me upon the main matter or the bye unto the least reprehension".² The Committee issued a report declaring his speech "scandalous and untrue", and ordered the copies he had circulated—in defiance of privilege—to be burnt by the common hangman. They took very good care, however, not to impeach any particular statement.³ A very subtle pamphlet was issued to refute his general argument, but over this passage it glided delicately with the argument that the corroboration, sub-

1) R. P. VIII—51. 2) R. I. A. P. XXI—8. 3) Sir John Evelyn. Report from Committee. London 1641.

sequently produced in the shape of Vane's notes, was quite as valid as the corroboration of that "other Counsellor" who, Digby was informed, would be forthcoming.¹ Another very subtle and deadly attack on all Lord Digby's career skipped with care over this remark in his speech, as something out of which no effective capital would be made.² We may therefore, safely assume that Digby, at any rate,—an important member of the Prosecuting Committee—was never told who the "other Counsellor" was, or if he was told, had excellent reasons for concealing his name.

Who was this "other Counsellor", whom Digby expected to appear, whom Pym led Digby to expect would appear? If no "other Counsellor" was expected, why did no other member of the prosecuting Committee rise to testify that Pym had never so misled him as he had misled Digby? Who was this "other Counsellor" at whom Pym was hinting? Suspicion points very strongly to Northumberland. It must be remembered that, within a week of Strafford's death, Leicester was made Lord Lieutenant of Ireland. The date of the warrant is May 17.³ Had Northumberland "perjured himself for the Earl of Strafford"? Had he got what he wished by "the other way", without "sailing in the direction of the Parliament"? Had the Vanes led Pym on with promises of "another counsellor", who, at the last moment, was not forthcoming?

1) Reply to Lord Digby. London 1641. 2) Reply to Lord Digby's Apology. By Decius. London 1643. 3) W. M.—44.

Chapter II

THE VANES

The office of Ministers is of the highest dignity. It is now full of peril and incapable of glory. Rivals, however, they will have in their nothingness, whilst shallow ambition exists in the world, or the desire of a miserable salary is an incentive to short-sighted avarice. The competitors of a Minister are enabled by this Constitution to attack them in their vital parts, whilst they have not the means of repelling their charges, in any other than the degrading character of culprits.

BURKE.

On April 5 the prosecution moved the 20th article. As has been stated, they moved and carried, after much wrangling, a motion to take five articles *in globo*. That part of the 23rd article which dealt with dissolving the Short Parliament they "reserved until to-morrow".¹ That "to-morrow" never came. Clarendon attributed the subsequent "waiving" of the charge "to some extraordinary service of Sir Henry Vane's which was not then acknowledged".²

The 20th article accused Strafford of provoking the Scotch war. The 21st accused him of advising the King to raise money by force, if Parliament failed him, saying that he would serve the King "in any other way". The 22nd accused him of raising an Irish Army to invade England, and of saying that "the King might use his Prerogative as he pleased" and that he "would be acquitted of God and Man" if he did so; the 23rd first accused him of dissolving the Short Parliament, and then saying, "You have tried the affections of your people. You are loosed and absolved from all rules of Government. You have tried all ways and are refused. I have an army in Ireland I may employ to

1) R. P. VIII—562. 2) C. H. I—105.

reduce this Kingdom". The 24th quoted some hard words Strafford had uttered at the expence of the Short Parliament, and his advice to raise money "by other ways".¹

These Articles are a marvel of bad draftsmanship. If Pym was aware that Strafford, in a speech at the Junto, had recommended the King to use Irish soldiers to commandeer the property of the subject, it is hard to understand why the Prosecution scattered portions of this sentiment over three separate Articles, and why they tacked the most important sentences on to a totally distinct charge, viz. the unnecessary dissolution of the Short Parliament, and then repeated this last charge in a meaningless Article, in which it is hard to see what they were trying to prove. It is not till we examine the evidence that the mystery is revealed. A series of separate testimonies were made by separate counsellors. They were attributed to different dates, or not the same date, when different policies and incidents were uppermost. The Prosecution had only a faint idea as to where they all led, and they scattered them over a series of Articles, with what they thought appropriate preambles. When Vane's evidence arrived in March they began to evolve a theory connecting them all, and they moved to take all *in globo*. This is the only explanation of their involved draftsmanship, in which Pym played the chief part.

Even still they were somewhat confused. Whitelocke's opening speech just mentions the use of the Irish Army as one of the details of the charge. In the closing speech, comment on this phrase occupies only one out of nine pages. Nor were any oratorical fireworks exploded to magnify its significance. The fact was that the Prosecution were so eager to prove the charge of seizing the subjects' goods, and so convinced that they had a clear case, that, it was not till afterwards, that the trivial phrase of "reducing this Kingdom by an Irish Army" became the one weapon by which they could snatch victory out of defeat.

One thing emerges very clearly. The members of the Council, especially those of the Scotch sub-committee—the Junto—concealed nothing, made no evasions, and did their best to tell the truth. They were dealing with words uttered a year before, and probably on different occasions. As will occur, some remembered

1) R. P. VIII—71—73.

one phrase, and others another. Some put one interpretation on the words. Others thought their gist quite different. Juxon bluntly contradicted Jermyn. The former said the words were Parliament has "refused" the King. The latter was vaguely reminiscent of "deserted". Cottington thought it was "denied". Cottington also denied having ever heard words to which others testified, and which Strafford acknowledged, simply because he paid more heed to the context, which toned them down, and therefore remembered the general gist of the discourse, and not certain particular phrases. Juxon on these words cautiously "reserved himself", and neither Strafford nor the Parliamentarians could extract a definite answer.

All this shows the danger of making any historical deduction from exact words, without their context, or at least the corroboration of two or three witnesses. It reveals something more. The witnesses were truthful men. The most suspicious evidence is that of half a dozen men who agree in every little detail. *Errare est humanum*, and perfect relation of facts by witnesses, a year afterwards, points to collusion, coaching, and prejudice. The alibi witnesses in a low class murder trial are always marvels of consistency. When, however, one witness, after hearing the other, bluntly contradicts him, and volunteers evidence, not exactly beneficial to the party for whom he is appearing, the value of such witnesses is enormously enhanced. When such witnesses unanimously, and, with one accord, swear that never, at any time, did they hear a certain phrase, or anything like it, we can safely deduce that nothing like that phrase was uttered in their presence.

The witnesses produced gave the most varied accounts as to when all these many phrases were said, and whether they were uttered at the Council or at the Junto. Nor was it such a difficult matter to fix the date if they were spoken—as was subsequently alleged—on the 5th of May. That was the day the Short Parliament was dissolved, a day when it was known definitely that the King was without money. Two went so far as to say "on or after" or "after" Parliament was dissolved, but not one pinned himself to that day, not even Vane. The phrases repeated were typically Straffordian, some uttered long before the Short Parliament, some just before, and some after, some at the Junto, some at the Council, and some in private conversation. They were variations on the following theme: "As the Parliament has not supplied you,

you may take other courses". "I will help you by other ways." "The King is not to be mastered by froward subjects." "The Parliament denying, the King is absolved from all rules of Government." "As you are refused you are acquitted before God and man if you help yourself." "Salus populi suprema lex."

It is very clear that there were discussions at different times as to the practicality of using the Prerogative to commandeer supplies. It is very clear also that Strafford was in favour of such a course, and uttered certain characteristic phrases in its recommendation. Usher, Conway, and Bristol heard him utter some of these phrases in private. Jermyn, Goring, Newburgh, and Holland heard them, or some of them, at the Council Table. The others were not sure when they heard them, whether at the Council or at the Junto, or at which of their many meetings. Northumberland for instance put "go vigorously on" at "after the last Parliament", but did not give the place. He put "absolved from rules of Government" at the Junto, but gave no date. He gave neither time nor place to "candide et caste", but put it as "often". It is quite possible that Strafford collected together all his previous utterances, and hurled them forth, in one burst, at that one meeting of the Junto. It is, however, not probable.

When the Prosecution closed their case they seem to have been of the same vague opinion, at any rate as regards the date. According to Whitelocke the Junto met often in or about the time of the dissolution of the Short Parliament.¹ So far had the Prosecution failed to fix the meeting at which the serious words were uttered, that they got a severe shock when Strafford said, "It falls out in time to be, as I conceive, about the 5th of May last, not many days sooner or later".² He was obviously dating the words from Vane's remark that it "was clearly after the dissolution of the last Parliament, when it was in debate whether an offensive war".³ The notes on the trial put "probably May 5" after Vane's evidence, and it was from that note that probably Strafford made this speech.⁴ Strafford made this remark the day after young Vane had been allowed to produce a paper fixing the date at May 5, but that paper had been produced in a secret Session of the Commons,

1) W. M.—33. 2) R. P. VIII—638. 3) R. P. VIII—544. 4) Depositions and Articles, London. Baker. 1715.

and Strafford was supposed not to have seen it. Whitelocke jumped to the conclusion that Lord Digby had betrayed this secret to Strafford.¹ "How does my Lord remember this day as the witness did not speak of it"? replied Glyn the Parliamentary Lawyer. "I wonder how he came to the knowledge of the day, unless he likewise remembers the words."² It is clear that, up to that time, the prosecution had not pinned themselves to a meeting of the Junto on the afternoon of the dissolution of the Short Parliament, on which day, we know for a fact, there was also a meeting of the Council. They had obviously been picking these phrases from a series of meetings, and, even if they assumed they had been uttered at one meeting, they had been careful not to say which.

Suffice it to say that the Prosecution produced a series of witnesses, who testified that Strafford had advised the King to use his Prerogative to supplement the Royal Exchequer. The evidence was scanty till Northumberland's deposition was read, he not appearing at all in the trial. The words to which he testified by affidavit were as follows:— "In case of necessity and for the defence and safety of the Kingdom, if the people do refuse to supply the King, the King is absolved from rules of Government. Everything is to be done for the preservation of the King and his people. His Majesty is acquitted before God and Man." To these exact words he testified, the scene of utterance being the Junto.

Vane then appeared. He first made a speech explaining that he was about to tell the truth. He explained, however, that much time had elapsed. He would speak "as near as I can, ever reserving to myself "or words to this effect". The place of utterance was the Junto. The time—after the dissolution of the Short Parliament,—when they were deciding for an offensive war or no. He corroborated Northumberland. He then gave the famous tit-bit of the trial. First he said the words were, "You have an Army in Ireland you may employ there."³ Rushworth reports him as saying, "You have an Army in England", but this is obviously a misprint.⁴ Then he altered it to, "You have an Army in Ireland which you may employ here to reduce this Kingdom." The words,

1) W. M.—42. 2) R. P. VIII—711. 3) R. P. VIII—563; R. I. A. P. XI—8 p. 6; Lord Digby's Speech. London. 1641. p. 6. 4) R. P. VIII—545.

"this Kingdom", were added on a second attempt to quote the words.

An account of the trial which purports to consist of Strafford's notes, or those of his Secretary, adds the words, "which I think meant Scotland".¹ The words added, however, might be Strafford's comment, and, in any case, this authority is dubious, though it bears every stamp of being written by an onlooker, and not by someone at a later date.

Unfortunately the original deposition Vane lodged with the Parliamentarians is lost, but a few weeks later there was a copy extant which ran as follows:— "His Majesty might by the Irish Army reduce the Kingdom there", which may apply to a disturbance in Ulster or to Scotland. This, however, was stated to have been tampered with by the addition of a T to "here".²

Rushworth's account of Whitelocke's opening speech shows that that lawyer was relying hitherto completely on a casual remark of Radcliffe's.³ Another report of Whitelocke shows that he guaranteed to prove these words, "If his Majesty is pleased to employ forces, he had some in Ireland that might serve to reduce this Kingdom", which might mean Scotland or England, according to what was the context.⁴

Saville and Bristol immediately intervened to request an interpretation of the words "there" and "this Kingdom".

The following dialogue then occurred:—

Lord Saville — Did he say "there"? Did he say "this Kingdom", or "that Kingdom"? When he said "the Army might be there employed", did he mean in England or in Ireland?

Vane — I do not think he used "then" or "there", but "you have an Army in Ireland you may employ to reduce this Kingdom." I cannot interpret it.

Southampton — Do you swear those words positively?

Vane — Them or the like.

Arundel — Repeat them again.

Vane — "You have an Army in Ireland. You may employ it to reduce this Kingdom.

1) Depositions and Articles of Strafford's Trial, London. Baker. 1715. p. 69.

2) Dom. 1641—559.

3) R. P. VIII—522, 523.

4) Brief and Perfect Relation p. 37.

Lord Clare — Was it Scotland that was in debate? Were the words relative to it? How could it mean England when it was not on rebellious courses?

Vane — To the best of my recollection it followed the other words. We know how the subjects of England were affected to the War. The breach of Parliament also produced an ill effect.¹

Whatever Vane meant to say when he came into the box, he stepped out having gone further than he intended. The following changes had occurred:—

- (1) He first refused to commit himself to definite words, and ended by swearing positively to exact words and their order.
- (2) He began with a word "there", and then altered the meaning of the sentence by leaving it out.
- (3) He began by refusing to "interpret" the meaning of the cryptic utterance, and ended by saying it referred to England.

It is very clear that Vane—for a multitude of motives—had offered to supply the Parliament with a phrase which might have a sinister meaning. Flustered and badgered by the Peers, and terrified at the thought that, if he definitely put a mild construction on the words, the "precise party" would exact their pound of flesh, he twisted, and turned, and floundered, and, having first altered the words, he then swore to the exactness of the second edition, and finished by swearing that Strafford meant "in England", using an imagined context and political conditions to help him, oblivious of the fact that, a second before, he refused to put any interpretation on the words.

" Facilis descensus Averni.

Sed revocare gradum

Hoc opus, hic labor est."

- The Prosecution then closed the case and waited events. Their witness had not been very successful in gaining credence, but undoubtedly his insinuations had produced an effect.

They reckoned however without Strafford. They forgot that they had pinned themselves to the Committee for Scotch affairs, which was composed of only eight men. They also forgot Northumberland.

1) R. P. VIII—544—546; Brief and Perfect Relation pp. 38, 39).

When Strafford rose he had one great advantage. They had not proven a single deed, nothing but words. "Shall words spoken, by way of argument, in common discourse between man and man, be charged on me as High Treason? Is there anything more ordinary than for men in discourse to seem to be of a contrary opinion to what they are, to invite another to give his? By this means we shall be debarred of speaking. If converse be strained to take away life, it will be a silent world, and every City will be a hermitage. No Statute makes words treason. If it did, actions for treason would be as common as actions for trespass . . . For those words spoken in the Council, they were spoken under oath to speak according to my conscience. If I did not speak them I am perjured towards God, and now it seems, if I do speak them, I am a traitor to man. I stand not in fear of him that can kill the body. I stand in fear of him that can cast body and soul into eternal pain. If I must be a traitor to man or perjured to God, I will be faithful to my Creator . . . Opinions may make a heretic. I never heard before that an opinion made a traitor . . . If a Counsellor, delivering his opinion at the Council Table, be brought in question for every word, to the attainting of himself, his wife, and his children, I know no wise and noble person who will be a counsellor to the King. I beseech your Lordships to look on me so that my misfortune may not bring inconvenience upon you."¹

The charge of being "an incendiary" of the war with Scotland was easily brushed aside. He was only one out of all the Council which had voted unanimously for a breach. The recommendation of "an offensive war" was but an opinion on military tactics. Vane, for instance, had voted for a defensive war. Was that treason also? The serious charge was his advice to the King "to use his prerogative as he pleased, free from all forms of Government."

At this stage he produced another deposition of Northumberland's. It had been taken but two days before. In this deposition Northumberland added the context to the words to which he had previously sworn, and this context altered the whole meaning of the words. It was that the King could use his pre-

1) R. P. VIII—565, 566, 571, 572.

rogative "in danger or unavoidable necessity", that this power should be used "caste et candide", that, after the danger was over, "account should be given to a Parliament that they might see it was only employed to this use", and, finally, that a Parliament was vital in the near future to heal the differences between the King and the people.¹ Hamilton testified to the general accuracy of this evidence, and recollected distinctly the words "caste et candide". Cottington, Jermyn, and Goring also remembered these Latin words.² Cottington also corroborated Northumberland in swearing that Strafford said, "The necessity being passed, and the work done, the King ought to repair it and not leave any precedent to the prejudice of his people." Juxon—whose evidence is of great value,—as a man with no political leanings and of singular integrity—too recollected the words "caste and candide", as uttered more than once in this context, and with the significance to which Northumberland and Hamilton had testified.³ None of the witnesses however were able to fix dates. All placed the utterances as "at the Council Table", and several added "before and after the dissolution of Parliament."

This evidence puts quite a different complexion on what at first seems a reaction to a monocracy. The principle Strafford enunciated is as old as the hills, and as modern as the latest doctrines of the exponents of change. In these islands there is no such thing as the Continental Declaration of a State of War or a State of Siege, those legal proclamations which destroy the rights of the subject to overcome a danger. The mere existence of a state of war enables the Prerogative to operate. If to-morrow a foreign Army were to land in England, the military and civil authorities would be entitled to seize property, imprison or kill whom they wish, destroy, commandeer, and generally act as an autocracy. This power depends on no Statute Law. It is inherent in the Prerogative. It is inherent also in the duties of a citizen, and Ministers, officials and soldiers never divest themselves of those duties. One of the duties of a British subject is to maintain the King's peace, and, "in case of necessity" he can break any law, and use any violence to achieve this end, provided he uses no more force than necessary, and exercises this function

1) R. P. VIII—566, 567. 2) R. P. VIII—564, 565. 3) R. P. VIII—569.

"candide et caste". Otherwise a policeman would be open to action for assault, if he used his baton in a riot. The Prerogative of the Crown and the duty of the citizen extend to illimitable rights "in cases of necessity". There is no one who will deny that the appearance in England of 30,000 armed Scotchmen with artillery is a "case of necessity".

As regards the Prerogative of the Crown, however, to seize goods and imprison subjects, there is no judge who will grant an injunction to restrain the authorities, if once a State of War is apparent. When the cloud passes away, the rights of the individual subject then become operative. During the Napoleonic Wars Pitt utilised this power to the hilt to deal with English revolutionaries and defeatists. He used it for civil commotion where Strafford confined it to an invasion only. Nor was Strafford wrong in urging that, at the close of the operations, an account should be given to Parliament to avoid prejudice, to show that the power had not been used for personal vendettas. The modern practice is to appear before Parliament at the end, and to procure an Act of Indemnity for all officials so engaged, confining that act only to cases of military necessity, and excluding acts of unnecessary violence. Pitt's Bill of Indemnity was carefully drafted so as to indemnify only those acts, which had been committed through "necessity", and "candide et caste". Strafford went further than Pitt. He proposed compensation for those who had suffered.

The parallel between the two Statesmen is all the more striking when we remember the eras in which they lived. Pitt used this latent power in the Prerogative to deal with a nuisance, but Strafford with a peril. Pitt acted at a time when the rights of the individual were sacrosanct, and those of the Prerogative under a cloud. Strafford gave his advice under the glamour of the Stuarts, long before the head of that procession of emancipating Statutes had but reached the Statute book, when the doctrines of Habeas Corpus, Independence of Judges, and Immunity of Juries were but doctrines, and no more. The Stuart statesman seems to have been the less revolutionary, and the more orthodox of the two.

It should never be forgotten that it was Strafford who originated, maintained, carried and perpetuated the doctrine that "the Ministers of the King should act only according to the law".

They might utilize the dispensing power within reason, to avoid vexatious prosecutions of others, but they could not break the criminal law. English liberty, in its purest sense, began when Strafford placed that maxim on the Statute book.¹ In this case he swept his opponents off their feet with the defence that all his actions and words were based on the "law of England. I said nothing which was not lawful".

If Charles had taken his advice and done what his son did, seized the deposits in the banks, it would have paid the bankers. Apart from the chaos in the North of England, the taxpayer was now supporting for nine months, not one Army but two, not 20.000 men, but 50.000. With a Scotch Army encamped in England, and an Exchequer without the wherewithal to maintain the State, what could one expect but a devastating civil war, in which the Parliament alone spent more money in one year, than all the Plantagenet Kings had spent in three centuries? Judged by State policy, subsequent results, and the most rigid view of English law, Strafford was on safe, very safe ground.

This doctrine was his defence. His whole plea was that, in these circumstances, this use of the Prerogative was "lawful", that he recommended nothing but what was lawful, and that he confined the use of the weapon to "the protection and not the prejudice of the subject. In absolute necessity and upon a foreign invasion, when all ordinary means fail, there is a trust left by Almighty God in the King to employ the best and uttermost of his means to preserve himself and his people. There are divers restrictions to this. It must be done on no other pretext but the preservation of the Commonwealth. It must be done *candide et caste*. Otherwise it would be oppressive and injurious. Then in a time, fit and proper, the King is obliged to vindicate the property and liberty of the subject from any ill prejudice that might fall from such a precedent".²

The charge of bringing over the Irish Army for this purpose lurked somewhere behind this, but did not emerge to any importance. The prosecuting Counsel simply played with it, and confined all their eloquence to attacking Strafford's view of the

1) Lord Digby. Speech on Triennial Parliaments. London. 1641—19.
2) R. P. VIII—566.

Prerogative. It depended only on Vane. His evidence is dubious. He began by doubts as to his recollection, and ended by swearing that he remembered every word accurately. "When my words", said Strafford, "are remembered more particularly and specially by another man than by myself, I must commend that memory that gives a better account than I, who spoke them, or than any other man who was there".¹ This was the real difficulty of the situation. When Vane pinned himself to the Committee of Eight for Scotch affairs, the least that could be done was the production of another one of the eight to corroborate. All were examined except Laud and Windebanke. All not only swore they never heard the words then, but never heard them at any other time. Windebanke wrote from Paris to contradict Vane, and what was more to add that "the employing of the Irish Army did ever bend wholly the other way".² This testimony is of some value as it is given in a private letter. Charles also, at a later date, made a sweeping denial of the charge, in which he not only acquitted Strafford of saying the words at the Council Board and the Committee, but also in private, and added that there never was a discussion on dealing with an émeute in England.³

Apart from this we have an overwhelming weight of evidence against Vane. His character, his prejudices, and his motives are against the validity of his words. The lapse of time, his vagueness on other points, his preliminary doubt on this, and then his sudden display of remarkable accuracy are all against him.

Four considerations, however, are worthy of note: —

(1) The first is, that Strafford was given a patent which undoubtedly covers this possibility. He was to be "Captain General of all troops in Ireland, and such in England as the King by sign manual may grant him to resist all invasions, seditions, and attempts in England, Ireland, or Wales, and to be led into Scotland to invade, kill, and slay . . . Power to exercise, distribute, lead, and conduct by sea or land into any of His Majesty's dominions . . . To use the law martial to kill or save at his discretion, enemies, rebels, or traitors, to suppress rebellions or commotions within any of the three Kingdoms or Wales."⁴ This

1) R. P. VIII—565. 2) Dom. 1641—548. 3) R. P. VIII—734. 4) C. P. B. 1—220, 221.

commission was given him by Northumberland, who was acting as commander in chief. At first sight it looks like a warrant to deal with civil commotion in England. On the other hand it absolutely bears out Strafford's evidence that his intention was to invade Scotland with his Irish Army, supported by certain English auxiliaries, then at St. Bees, and certain Welsh auxiliaries Worcester was to levy. All of these were set aside for his command. To enable him to control these he had to have martial power over them, their camps, and their routes. The different phrases in regard to suppressing "commotions" were part of a martial warrant. They were those of "other generals".¹ They were lifted bodily from a similar warrant given to Arundel in 1639, with the simple addition of the words, "and in Ireland". They obviously applied to the inevitable difficulties soldiers encounter with magistrates and the civilian population "in their removes".²

(2) The second consideration is how it comes that Vane heard these dubious words, and that all the others did not, or, at least, did not recollect them. The veracity of Strafford's witnesses is patently obvious. On the Prerogative phrases they made damaging assertions at his expense. The character of two testimonies is above reproach. Charles asserted that never in public Council, or in the Junto, or in private was there ever a hint from Strafford of, at any time, bringing troops to England for such a purpose. Charles could be subtle and evasive, but he was not a liar.³ Juxon was not a personal friend of Strafford's. He had never taken part in political or Court intrigues. He was simply an official, respected by everyone. His testimony is the crowning proof that never at the Junto did Strafford say, "I have an Army in Ireland that you may employ to reduce Engand". Maynard, the Parliamentary lawyer, however, made a point of some importance. "Divers witnesses were by, and heard not the words deposed by Sir Henry Vane. What argument is this? That when divers are by, that which divers remember not is not true? What Lord Northumberland remembers others do not."⁴ It is quite true that some members had no recollection of certain Prerogative phrases, to which others testified. All, however, remembered that

1) Depositions and Articles. London. 1715—2.
Relation—53; W. M.—42.

3) R. P. VIII—734.

2) Brief and Perfect

4) R. P. VIII—578.

Strafford had advised the King to use his Prerogative to commandeer. Some remembered one phrase, and others another. The same would have occurred if he had advised the use of Irish troops. Vane's particular phrase might have been forgotten, but the advice would have been remembered. It was such an innovation, and such a daring proposal that no member of the Junto would have forgotten it. The utmost therefore that we can concede to Vane is, that Strafford did use some words about "reducing this Kingdom with the Irish Army", but that he was referring to Scotland, and, it being such an obvious remark, no one—except Vane and, possibly, Northumberland—thought of treasuring it for a sinister purpose.

(3) A third consideration is, whether Strafford ever entertained such an idea. To a man of his character, firmly convinced that Pym and "the pious brethren" would destroy England with anarchy, there would be not the slightest hesitation in garrisoning every English City with Irish swordsmen. *Salus populi suprema lex* was his eternal motto. Cromwell saved these islands from degenerating into a host of warring mires by creating a standing army of 30,000 men. The same idea was undoubtedly lying at the back of Strafford's brain. Here is but one little hint of this germinating policy. "Considering it necessary that His Majesty breed up and have a seminary of soldiers in some part or other of his dominions—a truth which perchance the present time shows but over plainly to every eye—without doubt it cannot be settled in any other part with greater effects to the honour of the Crown, with so little charge, with more safety removed, or transported with greater convenience to answer the several occasions of the three Kingdoms."¹

The advantages of this policy are patent. Between, however, creating a large Army in Ireland for the protection of the King, and using Irish Roman Catholic soldiers to seize the goods of English Protestants there was a deep gulf. No man was more careful of "ways and means, and times and seasons" than Strafford, and none knew better than he that this was not a time to use that desperate remedy. He was always emphatic on the point that the mass of the English people were with the King. The very fact that Charles got 20,000 men to march to York is the

1) L. S. II—198.

proof thereof. Could not these men be trusted to commandeer supplies for their own rations? If they could not, there was very little use in bringing over 10,000 Irishmen, because those English soldiers, if they would not do that, would not face the enemy.

Historians and politicians who invented the theory that the English soldiers were such ardent Republicans, that they would not commandeer their supplies, wrote and talked as it were in the clouds. The difficulty with Charles' Army was that it was too fond of commandeering. It was Strafford himself who restrained them from ravishing women and plundering houses. If one-tenth of the complaints made against them in the State Papers are true, they would have far rather looted the goldsmiths than faced the enemy. The theory that they were righteous Puritans with a great respect for the property of the subject is, alas, a political figment.

Furthermore, as a military proposition, the policy was absurd. To bring troops from Carrickfergus to London, at that time, would take about 3 weeks, and would consume more money than they would ever commandeer. They would be marching away from the Scotch, to ravish from the English supplies for the upkeep of an inferior army that could not be trusted. Things would have to be far worse than they were, before Strafford would spend his Irish subsidies on such a policy. The attack on the Scotch rear at Ayr is far more characteristic of Strafford. It was short, sharp, decisive, practical, and, above all, cost little, as his intention was to support the troops, when landed, by "living on the Scotch".

Lastly, Strafford believed firmly that there was only one remedy for the evils of the State, "a good understanding between the King and his people". There is not a passage in all his letters in which he spoke ill of the multitude. On the contrary this is the tenor of his policy, especially in regard to those who sought to save the Prerogative by a war.

"I beseech you what piety towards the Elector is there that should divert a King forth of a path which leads so manifestly to the establishing his own throne, but that he should be exact in his care for a just and moderate government of the people, which might minister back the plenties of life, that he should be most searching and severe in punishing the oppressions and wrongs of his subjects, as well in the case of the public magistrate as of the private person, and lastly to be utterly resolved to use only this

power (the levies for ship money) for public and necessary purposes, to spare them as much as possible, and that they never be appropriated to any private person . . . If the chastity of these levies be so preserved they will never grudge parting with their monies.”¹ On another occasion he wrote, “In the name of God, let His Majesty speedily dispose his affairs to the best, and then put his cause before his English subjects. It is not possible but they will acquit themselves as a worthy and faithful people ought to do. They that raise and stir apprehensions to the contrary are either fearful above reason, ignorant, or something that is worse than either.”²

To save the Kingdom from destruction he would undoubtedly have flooded England with swordsmen, and hung the Revolutionaries with as much zest as Cromwell hung the Levellers. Things, however, had not gone as far as that. If the goods of “a worthy and faithful people” had to be commandeered for their own protection, a man of Strafford’s perspicacity would undoubtedly not have employed, in “the civil commonwealth” of 1640, the men his adversaries sought to prove that he meant to employ. To use them to crush rebels was one thing. To use them as bailiffs in London was a very different proposition. Was not the commandeering of private property an act unpopular enough, without adding the sting of doing it with Irish troops, when English troops were at hand?

(4) The fourth consideration is where the Prosecution *did* get the following words, to which Vane refused to testify till March, and which they had already inserted in the Articles in January. “That he had an Army in Ireland which he might employ to reduce this Kingdom.”³ Tradition says that they had a secret dossier of the proceedings of the Junto. How then did they draft the articles as they did? Why were they so confused as to the date, when the dossier, subsequently produced, gave the date? Why were they so cautious about using the words “this Kingdom”, when the dossier proved that “this Kingdom” was England? Why did they not insert in the Articles, next these words, some spicy item of the “concurrent” proof, such as, “The town is full of nobility. They will talk of it. I will make them

1) L. S. II—62. 2) L. S. II—297. 3) R. P. VIII—73.

smart for it!" These were in the dossier. Why were they not put into the Article?

Why was Digby allowed to state—without contradiction—that the Prosecuting Committee were told by Pym that this Article would be proven by words "concurrent" with "this Kingdom", to show which Kingdom was meant, and that he was justified in resigning because the dossier, produced in April, contained words that were not properly "concurrent"? How can we square this with the tale that all the while they alone had a copy of the secret dossier in which Digby could have read the "concurrent" words, and seen they were not part of the context. It is clear that the Prosecuting Committee had extracted these words from some other source than the historic dossier.

The rival theory of Clarendon's is that it was Vane alone who gave them the fatal words in secret before February. Tortuous as Vane was, it is impossible to assume that Vane told Pym of the words "reducing this Kingdom", and then denied them before the Committee, and then denied them again, and then the Prosecution enrolled them in an article, and then Vane withdrew his previous denials, and corroborated the words. This solution is too weak and improbable. Clarendon, who surmized it, was very near the truth, but he never scented "the other counsellor".

No matter how much we sift probabilities, we can only come back to Digby's statement that Pym was assured that such words would be sworn to, or corroborated, in some shape or form, by "another counsellor", and that this "other counsellor" would produce words "concurrent" with "this Kingdom" to show that it was England that was threatened. Who was this "other counsellor" who was in communication with Pym, and who was of such import, that Pym was able to induce the Committee to insert these words in the indictment without them insisting on his name, or that, if they knew his name, all parties in April—even Digby—were determined to keep it quiet?

Northumberland's cryptic hint at "the King being angry because I will not perjure myself for the Earl of Strafford" is undoubtedly the clue. Was the King "angry" with him for revealing those Straffordian phrases on the Prerogative? Were they not true? Had not the King given Northumberland permission to reveal everything? If the King was "angry" with

Northumberland, he would have to be angry with every other member of the Junto, and with Jermyn and Usher also. Northumberland must have said something which these did not say, and which was not quite true, evidence that was prejudiced, or something that was a *double entendre*. Four things are worthy of note.

- (a) Northumberland was the only witness except Vane who displayed neither reluctance nor uncertainty, as if he, as well as Vane, had treasured the words.
- (b) Northumberland's evidence like Vane's was marked in its hostility. Both were clearly witnesses for the prosecution, and not impartial bystanders.
- (c) Northumberland's collection of phrases was singularly like Vane's, with the exception of "the Army in Ireland".
- (d) The Prosecution in their private examination of Northumberland had asked him seven questions. Three of the answers they did not read out in Court, for the obvious reason they were no value to them. These answers were, of course, concealed from the defence, as in a High Treason prosecution the Crown has the privilege of secrecy, which is denied to the defence.

There is just the possibility that "the Irish Army" phrase lurked here, and that they dare not ask Northumberland his interpretation.

Northumberland's performance during the last days of the trial is most mysterious, and the attitude of the Prosecution towards him even yet more curious. They had in their possession a deposition dated December 5, just five days before he "refused to perjure himself for the Earl".¹ We know that by the 10th he "was determined to see what he could do by Parliament". In that deposition he "had not heard—so far as his remembrance went—that these forces were to be employed to awe the subject to yield taxes. He hath heard my Lord Lieutenant make some discourses that some course was intended to raise money by extraordinary means". This second sentence toned down the cautious negative of the first. He added that it was "intended to send the Irish Army to Scotland".² This evidence is no real

1) R. P. VIII—533.

2) R. P. VIII—544.

denial of Vane's evidence. Vane had simply said that Strafford's words were "I have an army that you may employ", and he emphasized "may" twice. Northumberland certainly was careful not to go too far. On April 2, the Commons notified Northumberland that on the 5th they would put him into the witness box.¹ On April 3 Strafford extracted his affidavit from Northumberland.² On the morning of April 5, the Prosecution stayed its production, because they had not cross-examined Northumberland in private.³ Its gist however they knew. Accordingly they did not enforce their subpoena. Unfortunately for themselves, they were compelled, at the beginning of the Articles, to use an affidavit of Lord Morton's in circumstances which admitted Northumberland's affidavit.⁴ Strafford absolutely upset all their case when he produced it. It gave the context of the speeches in regard to the Prerogative, all those reservations of "candide et caste". It first explicitly denied bringing the Irish Army to England, "or any part of them". Then it denied that he had ever heard Strafford speak of reducing the subjects of England by the said Army in Ireland—before, he had only denied an intention of doing so—and it finally added that the invasion of Scotland by that Army was the definitely fixed policy, and there was no other alternative.

Vane had a phrase which bore a sinister interpretation. Had Northumberland a similar phrase? Vane had his phrase, altered it, extended it, and then explained his extension. Would Northumberland be so pliable? On the strength of Northumberland's first affidavit they intended to call him. When they saw his second they wisely forgot their subpoena. Their case was shaky enough without producing a witness who certainly might remember the "concurrent" words too accurately, and had a most unfortunate memory for the context. Even if the words uttered were a *double entendre*, after this second affidavit would not Northumberland undoubtedly say that "this Kingdom" was Scotland?

We know that the Prosecution in their preliminary interrogatories three times asked Vane about "this Kingdom". We cannot assume that they did not ask Northumberland. After

1) R. P. VIII—44. 2) R. P. VIII—520. 3) R. P. VIII—521. 4) R. P. VIII—530.

Vane had given them the particular words with their double meaning, these sharp, able, and zealous lawyers must have sounded Northumberland, on whether he heard words like those, and there is all the more reason for this after his favourable deposition. Had he, like Vane, heard the words, and like Vane, "refused to interpret"? All we know is that they intended to put him in the witness box. This shows that he was worth calling for the Prosecution. At this time "the precise Party" were "averring and promising" that the phrase of "the Army in Ireland" would "be proved by several witnesses".¹

After Northumberland had given his affidavit to Strafford, what lawyer worth a petty brief, would call such a doubtful witness on such a doubtful point, a witness who now swore he had never heard Strafford "speak of reducing the subjects of England"? If he could remember "caste et candide" he would certainly recollect that "this Kingdom" was Scotland. Digby's "other Councillor" and "the several witnesses" of which all had heard so much had to be dropped, like a stinging nettle, for fear their production might upset Vane's timid evidence.

This is the only possible explanation as to why the Prosecution served a subpoena on Northumberland on the first, and did not call him—their star witness on the Prerogative phrases—on the fifth. This is the only explanation as to why they never read out an answer to the query if he had ever heard Strafford use words such as Vane reported, and why, at the same moment, they suppressed the answers to three interrogatories. It also explains why Strafford did not call Northumberland in person. Why should he complicate the whole issue by resurrecting a harmless phrase his own witnesses never heard, or never recollected, by the testimony of one who had indulged in this intrigue, and might yet indulge in another? It also explains Digby's silence on "the other Counsellor". Was Digby—now in the Royal Camp—to reveal that Northumberland had been—to use a vulgarism—squared, and that Charles, by the Grace of God and Divine Right Monarch of these islands, had been blackmailed by his Lord High Admiral? Digby—it must be remembered—was a brilliant controversialist, both with pen and tongue. When explaining how he came to defend

1) C. H. 1—129.

Strafford, after essaying to prosecute him, he related that he had understood from Pym that Vane would be corroborated by "some notes which I ever understood to be of some other counsellor".¹ It was the word "notes" that led everyone to believe that there had been some misunderstanding between Pym and Digby, that both knew of a dossier, and both differed as to the author. No one knew that Pym had never seen any "notes", and could not therefore have promised them. The misunderstanding was not on the question of "notes", but whether "another counsellor" would be forthcoming to put the desired interpretation on "this Kingdom", or—as Digby put it—"what passed at the Junto concurrent with the words "this Kingdom"".

It was Digby's subtle introduction of the word "notes" that threw the curious off the scent, and it was to no one's advantage to resurrect the "promises of several witnesses", or to ask who "the other Counsellor" was.

Northumberland had played his cards with skill. He had never revealed his hand. It was his unfortunate partner, however, who was left in danger, ruined at Court and discredited in Parliament. It was undoubtedly Vane and his son who had been the go-betweens, the agents in this affair. That night the interview between them and Pym must have been worth recording.

The great difficulty that faced the Prosecution now was, that Vane was but a single witness. To prove treason two were required, and, even if this remark was but a misdemeanour, some corroboration was required to rebut the point blank denials of the rest of the Junto. Sir Robert King was accordingly produced to testify that Radcliffe once said, "The King cannot want money. He has 30.000 men and £ 400.000 in his purse. If he want money who can pity him?" Ranelagh then deposed to the same words, and added that he interpreted them to mean that "some danger was intended by the transportation of the Irish Army to England". Sir Thomas Barrington then related that Sir George Wentworth said, "The Commonwealth is sick of peace and will not be well till it be conquered again."² These words have to be taken *cum grano salis*. The Prosecution refused to allow Radcliffe or Sir George Wentworth to be examined. Even if the words were true, the

1) R. I. A. P. XI—8, p. 6. 2) R. P. VIII—537—539

deductions were only illogical surmises, and one of the authors (Sir George Wentworth) knew nothing about the Military plans.¹ When Strafford produced his own Secretary, the General of the Irish Horse, and a Yorkshire officer to detail all the Military plans, and show that the destination of the Army was Scotland, that part of the charge was obviously exploded, especially after Northumberland, the Commander-in-Chief, and the rest of the Junto corroborated their evidence.

The Prosecution, when they summed up, barely referred to this part of the four Articles, and made no rhetorical displays whatsoever, on the deadly significance that was subsequently attached to this phrase.

Vane's bombshell had failed to explode. The use of the Prerogative to commandeer had been brilliantly defended. The despatch of the Irish Army had not been proved. The Articles were now coming to a close. It was apparent, painfully apparent, that by no strain of the imagination, could anything done by this statesman be brought within the Treason Statutes.

Legal ingenuity might invent constructive treason, that a series of acts added together might be treason, that, as Strafford put it, "a hundred misdemeanours should make a felony, and a hundred felonies should make a treason. A man may threaten to kill his neighbour. He may have a bloody knife in his hand, but—the man must be killed before there is a murder. . . My Lords in the primitive time, on the sound and plain doctrine of the Apostles, they brought in their books of curious art, and burnt them. It were wisdom and prudence in your Lordships, for yourselves and posterities, for the whole Kingdom, to cast from you into the fire those bloody and mysterious volumes of constructive and arbitrary treasons. Betake yourselves to the plain letter of the Statute that tells you where the crime is."²

For centuries the Peerage of England had waged incessant war with the monarchy on the interpretation of treason. The Plantagenet and the Tudor Monarchs had sought to extend it to any act calculated to embarrass the Sovereign. In Ireland Coigne and Livery became treason. So did waging war on the Deputy. Henry VIII carried it so far in a series of Statutes that the Peerage

1) R. P. VIII—557. 2) R. P. VIII—634, 635, 659.

cowered beneath the throne, and were even afraid to whisper to each other. His Treason Statute was that of an Oriental Pasha. In the minority of Edward VI the first act of the emancipated Peers was to rush on to the Statute book a code repealing all the Statutes of the deceased Monocrat. Mary and Elizabeth managed to hold their own by utilizing the religious statutes, or those statutes which placed on a denial of their title a death penalty. Essex, for instance, was executed for "putting himself into a posture", whereby Elizabeth's title was endangered. The only effective Treason Statute now was that of Edward III. It confined treason to "levying war against the King, or adhering to his enemies". And wherein had Strafford broken this Statute? Vain were all pleas that he had erred, or had committed unpopular acts, or pursued a policy detrimental to the Commonweal. There was not a peer who did not feel that, if that were treason, some day the same might be said of him. Finch—the most popular man in the House of Lords—had been obliged to flee the country to escape a prosecution for this new form of treason. The unfortunate Bishops and some of the judges were on bail, waiting a similar charge. Where was this going to end? Imagine the effect on an audience thus composed, with such traditions in their blood, of language such as this, uttered by a Peer of the Realm, who was baited *coram publico* by—of all persons anathema to the Peerage—the common lawyers, who for a whole century, had been used by the Tudors to bring "Great Ones" to the block.

"From the beginning of Government, neither Statute, common law, or practice hath mentioned such a thing as constructive treason. Beware you do not wake these sleeping lions by raking up some neglected moth-eaten records. They may some day tear you to pieces. You, your estates, your posterities lie at stake if these learned gentlemen, whose lungs are well acquainted with such proceedings, shall be started out against you. They say they speak in defence of the Commonweal against my arbitrary laws. I speak in defence of the Commonweal against their arbitrary treason. Let me be a Pharez to keep you from shipwreck, and do not put such rocks in your own way, which no prudence or circumspection can satisfy but by utter ruin."¹

1) Dom. 1641—544, 545.

To counteract this, something more was required than the complaints of Cork, the indignation of Mountmorris, the surmises of Ranelagh, and the dubious recollections of Vane. Vane too must have been ill at ease. He had put the revolutionaries under no obligation to him. Why should they spare him? He was a Minister, an "incendiary", a monopolist, an author of warrants to search the houses of patriots, and they could yet revive that 23rd article. His position was worse than Strafford's. That nobleman had the King, the Queen, and now the Peers, on his side. Who would bestir himself for Vane? Whosoever came well out of the *in globo* articles, it was not Vane. From early morn till dewy eve, Strafford battled with the Parliamentary lawyers, and all the honours of the contest were his. Vane *père et* Vane *fils* could boast of no such achievement.

Chapter III

THE NOTES OF THE JUNTO

The most wonderful things are brought about in many instances by means the most absurd and ridiculous, in the most ridiculous modes, and, apparently, by the most contemptible instruments. Everything seems out of nature in this strange jumble of levity and ferocity, and of all sorts of crimes, jumbled together with all sorts of follies. BURKE.

On Wednesday April 7, the Prosecution finished the 27th Article. The 28th yet remained, and also, of course, that large number of articles they had "waived for the present". Suffice it to say that, for the present, they moved for an adjournment, as they "had something more to say".¹ On the next day, Thursday the 8th, instead of proceeding with the remaining Article, they harked back to the famous *in globo* series. During the hearing of the 27th, Strafford had produced his Commission to exercise martial law in England, and some of the Committee thought a point could be made out of this.² The very fact that it was he who produced this patent shows that it had no incriminating significance. The 24th article had never been touched. Earle, one of the Parliamentary Counsel, therefore proposed to put forward and utilize this patent, as evidence of Strafford's intentions to reduce England. Whitelocke withstood him. He was very unwilling to put Vane in the box again. By itself the patent was a mere petty point. Earle, however, persisted, and made a speech dwelling on the patent, the premature dissolution of the Short Parliament, and a series of other misdemeanours. It was a complete failure. Strafford barely troubled to reply, and Lord Digby had to step in and relieve the gloom by describing Earle's speech as "a superfoetation of the charge".³

1) R. P. VIII—632.
—53; W. M.—42.

2) R. P. VIII—626.

3) Brief and Perfect Relation.

By itself the incident is unimportant, except as showing how desperate the Prosecution were at this stage, and how little reliance Whitelocke had on Vane. It is worth noting, however, that the production of this Article raised again the question of that premature dissolution of the Short Parliament. It showed that the Prosecution—or to be more accurate those who gave orders to the lawyers—had not completely dropped that deadly question, on which Vane dare not face Strafford. That night, according to Vane, he had a conversation with his son on the subject of producing the secret dossier.¹

Whether this was or was not the cause of the subsequent *dénouement*, Glyn, the Parliamentary lawyer, made a motion that was most significant in the light of subsequent events. He proposed that, on the next day, the case should end. Strafford was to reply. The Prosecution was to reply to him, and “so close the process, so far as concerned the matter of fact”.² At that time, accordingly, the Prosecution had no further evidence, nor did they anticipate any further evidence. This ruling then was made, and the assembly dissolved.

On Friday the 9th, news arrived that Strafford was seriously ill. The “precise party” were alarmed. The tide was flowing fast against them. The indignation that had been roused against Strafford was fast evaporating. The Lords were becoming more and more hostile to all these proceedings. Rifts in the lute of the Parliamentary Party were widening every day, and everyone was asking when the Kingdom was to be rid of the Scotch, ever clamouring for money and Strafford’s head. In alarm at this delay, which, for all they knew, might continue for weeks, they moved, through Pym, to finish the proceedings in his absence. The Lords were immediately up in arms, and despatched instead four of their number to see the sick man. They reported that he was very ill, but the doctors said he would be able to attend next day. After some more wrangling the following order contented the Prosecution. “That, if the Earl come to-morrow, he may proceed according to the former order, if he comes not, then this House may proceed to sum up the evidence as to matter of fact, and the Earl of Strafford to be concluded as to matter of fact.” Accordingly on Friday

1) D'Ewes' Diary. see, Gardiner IX—326. 2) Brief and Perfect Relation.—54.

April 9th the Prosecution were quite content to close the whole case, and this order was passed on the proposal of, and with the consent of Pym.¹

On the morning of the 10th all assembled to hear the closing speeches. Glyn, however, rose to announce that fresh evidence was at hand. He asked permission to put it forward. To this Strafford made no objection. He pointed out, however, that, if one side was allowed to produce new matter, the same privilege should be accorded to the other. The Peers then withdrew and a heated discussion ensued. They appealed to the Judges. They gave it, as their opinion, that, even if the case were closed, provided the prisoner was at the bar, and the jury not sent away, "either side may give their evidence".² After two hours of wrangling the Lords filed back into the Chamber, and ruled that, if the Prosecution produced new evidence, Strafford had a similar right: if they did not, he could not. The Prosecution immediately announced their intention of resurrecting the 23rd article. Strafford saw his opportunity. His witnesses had at last arrived from Ireland. He claimed the right to put them in the box, and reopen the whole trial. Vain was it for the Parliamentary Counsel to plead that this was absurd, but he stuck to his point. If they could reopen Articles with fresh witnesses, so could he. Amidst considerable excitement the Lords withdrew again, and deliberated. Back again they filed with the ominous decision that, if the Prosecution persisted in their course, Strafford could re-open what Article he pleased. It was most significant that only one Peer was opposed to this.³ At this stage there was considerable disorder, irate members of "the precise party" openly expressing dissatisfaction. The Parliamentary Counsel and Strafford wrangled heatedly for a few minutes, and, at last, they demanded what articles he intended to re-open. He recited four, and one of them was the one feather in their cap, the billeting of the four soldiers on a Wicklow O'Byrne. The rebutting witnesses to that charge had obviously arrived.

The storm then burst. The growing disaffection between the Peers and the "precise party" at last flared forth in a storm of passion. Loud cries of "Withdraw, withdraw", came from all sides of Westminster. Nay, Commons "cocked their hats" in the presence

1) R. P. VIII—44, 45; Brief and Perfect Relation.—54; W. M.—41. 2) Dom. 1640—537. 3) B. D. I—289.

of the King at the Peers, who were shouting "Adjourn, Adjourn". Some members were loudly wrangling with each other. Others showed unmistakeable alarm. Anger, fear, panic, confusion, and every known passion were visible on all sides, as the meeting dissolved, no one knowing what was to happen now. Behind his broken lattice Charles smiled cynically and slowly, and, as Strafford strode off in the midst of his guard, he had much ado to preserve the iron mask, which he always assumed in public.¹

The Commons then assembled in their special precinct. Glyn informed them that the Committee for the Prosecution had a serious matter to divulge. The doors were locked. The keys were placed on the table. Pym and Sir Harry Vanè then made their disclosure. They were in possession of a report of the secret meeting of the Junto, held on May 5. Strafford's words were on record. Surrounded by phrases glorifying the Prerogative, and pouring vitriol on the Parliament, lay the words, "I have an army in Ireland you may employ here to reduce this Kingdom."

The tale they told was startling and complicated. Young Sir Harry had been despatched home by his sire, in the previous September, to procure certain business documents, lying in a paternal cabinet. On opening the cabinet he found a bundle of notes labelled "Proceedings of the Junto". He read them, and took a copy. Subsequently Pym came to see him. To him he unfolded this discovery. The austere patriot overcame the qualms of filial duty by the usual plea that these notes were "of extreme consequence to the Kingdom, and that a time might probably come, when the discovery of this might be a sovereign means to preserve Church and State".² The original document was then produced, and Pym either certified that Sir Harry's copy was correct, or took one in his own hand.³ They then resolved "to make no use of this in public except in case of necessity", and returned the father's notes to the cabinet.⁴ Months elapsed, young Sir Harry sitting by the paternal hearth with this secret locked in his bosom, and Pym, no doubt, saluting the sire in stately fashion, whene'er they met. Then came the crash. Pym had "kept the copy without communicating the same to anybody, till the beginning of this Parliament, which was the time he considered fit to make use of it. Then

1) Dom. 1641—539, 540; Brief and Perfect Relation—56, 57; B. D. I—289; W.M.—43. 2) C.H.I—130. 3) Reply to Lord Digby. London. 1641. 4) B.D.I—289.

it satisfied him to move whatsoever he had moved". After this recital, he blandly informed the House that all was now well with the State, as they had procured the corroboration of the evidence of Vane *père*, thus making the two witnesses required by Statute.

Pym is a remarkable character study. He was the paragon of Parliamentary rectitude. Men might shudder at St. John's savagery, or feel suspicious of Hampden's mental agility, but all felt, when they heard the sonorous platitudes of religious and legal oratory, pouring forth from the lips of this calm and stately figure, that here was one, who lent dignity to what might otherwise be a vulgar brawl, one who "had no nonsense about him", one who could be followed without misgivings, as to the respectability of revolution. And yet he could rise and announce that he had purloined a confidential document, that he had persuaded a son to publish his father's private correspondence, that he had assisted one minister of the King to copy the official documents of another, documents dealing with a Cabinet Meeting, which both, from the point of honour, were bound to keep secret! The incident has such a ugly look, that we are bound to regard the perpetrators as men capable of telling lies. One cannot regard Pym as on the same level as Strafford, Laud, Juxon, Ormonde, and Cromwell. Despite all the glamour that has been thrown over his name, this alone relegates him to the unholy tribe of political opportunists, who think it honourable to be dishonourable for a multitude. Nor is the type uncommon. The path of progress is flanked with the statues of voluble and pious statesmen, whose names are household words, because by texts they proved *vox populi was vox dei*, and were able to excuse the peculiarity of their deeds by the number they benefited, and by the support of the Almighty. Pym was the first of this noble band. He was the first Statesman in England who thought that Mobocracy covered a multitude of sins.

When this pair had resumed their seats old Sir Henry rose. He expressed astonishment. Now was the secret revealed as to where the Prosecution had procured those phrases they had flung at him three times in the examinations. It was true he had sent Sir Harry to his study in September. It was true he there had some notes. They had been taken at the Junto. On the eve of the Long Parliament he had asked the King if he would burn them. The King had ordered him to do so, amongst other documents. To the

detailed phrases he would say no more, but never would he forgive his son.

The House was profoundly affected by the scene. Honest men tried to effect a reconciliation. For a long time, however, Vane *père* scowled at Vane *fils* to the sorrow of all beholders, who believed that the latter had "deserved well of the Republic", and that the former should forego his paternal wrath in favour of patriotic pride. Clarendon did not know what to make of it. Warwick regarded it all as playacting. Whitelock contented himself with a recital of the bare outline of the tale. May—the Puritan chronologist—was frankly dubious.¹

At the close of this performance—the House sat till 7 o'clock that evening—Sir Arthur Haselrig drew from his pocket a Bill of Attainder against Strafford, a Bill already drafted to declare that what Strafford had done was treason, as it was notorious that he could be sentenced under no existing law. In the heat of the feud with the Peers, and in the confusion that followed the recital of these notes of Vane's, the Bill was actually read twice. Tempers must have run very high, as it was only after "much ado" that another reading was prevented. Then the Commons adjourned for Sabbath meditations to reassemble on next Monday.²

The feeling between the Peers and the Commons, however, was very acute at this stage. The latter were actually threatening to assume the judicial Prerogative to themselves, to which the Lords hotly retorted that "the blood of our ancestors runs still in our veins, and we will be governed by no popular faction". When the copy of Vane's notes was despatched to them, they regarded the missive as a form of contempt of Court. After a series of conferences and negotiations, however, a compromise was arranged. The Commons were to tender no more evidence, Strafford was to reply to the general charge, and they to him, and, in the meanwhile, they could take what course they pleased with the Bill of Attainder.³

It was this disclosure of Vane's that roused the indignation of the populace to boiling pitch. The idea that the Puritan bourgeois should be despoiled of their goods by hordes of Irish

1) May. History of Long Parliament.—93; W. M.—41; Warwick. Memoirs —142; Diurnal Occurrences in Parliament.—77; B. D. I—289; C. H. I—129—131.

2) Dom. 1641—540; R. P. VIII—45; Commons Journals. II—118. 3) Brief and Perfect Relation.—55—58; C. H. I—129.

Roman Catholic rapparees was one that drove London almost mad with fury. That Strafford never meditated anything of the kind is plain. That Vane's notes are open to the gravest suspicion is obvious. The concurrent events, the time, the motives, the men behind the disclosure, and the authors render the whole incident at least peculiar. The story told by the two Vanes and Pym is ingenious. It all hangs together. If we detach, however, one incident from the rest, it falls like a house of cards.

The weakest link in the story is the delay in production till the 11th hour. It was explained by the desire to shield Vane *filis*, till "necessity" ruled otherwise. All this time Pym and Vane had these notes, and all this time they held them back. It is very clear that the Prosecuting Committee, as a body, never saw the notes.¹ Pym, therefore, was not quite accurate when he hinted that, at the beginning of the Long Parliament, he had revealed them to kindred patriots. "I carefully kept the copy by me without communicating the same to anybody till the beginning of this Parliament."²

Had, however, Pym himself those notes in his own possession before April the 10th? He was one of the leading lights of the Prosecuting Committee. He was its greatest Parliamentary personage. We must assume that he was seldom overruled. The acts of that Committee were, in a great part, the acts of Pym. This being so, certain considerations arise, which do not square with the story that he directed the Prosecution with these notes in reserve.

(1) The Articles were clearly drafted by one who had never seen them. They are an extraordinary hotch potch of odd phrases clearly culled in the examinations of certain known witnesses, arranged in the most confusing manner. The most stinging phrases came clearly from Northumberland, who had been examined in December.³ All the phrases in that 23rd article are known as his, except one, "the army in Ireland which I may employ to reduce this Kingdom". Up to the time these articles were drafted, Vane had not revealed this phrase. It came therefore from the notes or "some other Counsellor". It is the only phrase in the five Articles, which was not proved by a witness who had been examined in

1) Speech of Lord Digby. London. 1641. 2) C. H. I—130. 3) R. P. VIII—518, 543, 544.

December. The theory put forward by Pym is that it was procured from the notes. If, however, it was taken out of the notes, why did he not take other gems out of that document? Here is one gem. "The Commission of Array to be put into execution." This was just one of those shadowy powers of the Prerogative that the Parliamentarians ever denied. They challenged the martial law of generals, but general conscription was anathema. It was warranted by no statute. This would have made a far better Article than that grotesque one accusing him of treason, because he made importers swear to the accuracy of their Bills of Lading. There was another damning phrase, which, if inserted, would have roused the fury of the touchy Peerage, his judges. "The town is full of nobility. They may talk of it. I will make them smart for it."

There is a yet more curious incident. In the dossier occurs this phrase. "The shipping money to be put vigorously on collection."¹ This was an ideal charge. The Commons had declared it illegal. The King had offered to forego the collection. It was an unpopular tax in the city. If the Prosecution knew that, on May 5th, a few days after the King had offered to forego the tax, Strafford had advised him to renew it, they would have undoubtedly got several of the Junto to testify to the fact, and they would have inserted it in an Article by itself.

From Juxon they got this phrase. "They should go on vigorously in levying the Ship money." This was the phrase they inserted in the Article. Juxon swore that it was uttered at a much later date, long after the Ship money had been revived. Strafford was thus only recommending a "vigorous" as opposed to a slack collection. Accordingly the Prosecution had to insert in the Article, "in the months of May and June", so vague were they as to the date. The phrase in these circumstances was harmless. They never attempted to prove that it was on Strafford's advice that the King had revived Ship money. They only used the phrase to show that he favoured "vigorous" methods, in order to lead up to another charge that he had recommended the incarceration of backward aldermen. It was not till that part of the Article collapsed that they tried, in their closing speeches, to twist Juxon's solitary evidence into a sense which the evidence did not justify, and which they had not set out to prove.

1) Dom. 1640—113.

This reveals clearly that they had not the slightest idea that on May 5th Strafford had recommended Charles to withdraw the concession he had made to the Short Parliament, and had advised him to levy a tax that was now declared illegal. If the dossier had been in their possession, they would never have confined themselves to the "vigorously", but would have concentrated on the "put upon collection".¹

All these phrases were far more valuable than the "table talk, flim flams, and feary faeries" which constituted the Articles of Indictment. If Pym had culled that phrase of "the Irish Army to reduce this Kingdom" from this mysterious dossier, why did he not cull these phrases, every one of which were so concrete and striking that some members of the Junto would have remembered their utterance? It is plain that "the Irish Army" was inserted in the Articles in 1640 from a source independent of this dossier. That fatal phrase stands in an Article which was entirely based on Northumberland's evidence. It is the only phrase in that Article to which he did not testify in Court. Had he, however, testified to it in the preliminary examination, or to words like it, which, when the moment arrived, he was reluctant to "interpret" in a sense favourable to patriotism?

(2) The story of Pym and the Vanes throws a curious light on the relations of Vane *père* and Vane *fils*. Vane was an official and thus in peril. Some officials had already been impeached. Vane for instance, had been on the Star Chamber when it fined Burton for libel—Burton released from Gaol with as much processional pomp as Barabbas was haled by the Jews—and not only had the House repealed this verdict, but it had mulcted the Judges—and one was Vane—in heavy damages.² He had also issued compositions with recusants, warrants for the arrest of patriots, and writs to search the houses of members of Parliament. His monopoly was equivalent to blue blood in the French Revolution. So hot was the temper on this theme that, in one day, 50 Members of the House of Commons were expelled for having shares in such ventures.³ Nevertheless Vane, till March, strenuously denied all knowledge of "the Irish Army", while the leader of the Parliamentarians had, in his pocket, a paper tending to prove that Vane

1) R. P. VIII—582—588. 2) R. P. IV—207. 3) Diurnal Occurrences.—33.

had a most inconvenient memory. During all this while, did Vane *fil*s sit by, and watch his father rousing Pym's ire with these denials? Did he never think of what his father's fate would be, if Pym raised his little finger? Would not an ordinary man of flesh and blood have at least given his sire a hint? Vane *père* distinctly says that, till April, he never dreamt that Pym had this knowledge in his possession.¹ What is more, is it likely that Pym would, and could preserve impenetrable silence on this document, during all these three months of constant rebuffs? From December to March he had to sit and listen to Vane's denials that he had ever heard these words, with that document in his possession. From March till April 10th he had to watch his great case fainting for lack of evidence, when he had, under his hand, the document that would have made victory certain. It is very difficult to believe that, during all this time, he never conveyed a hint to Vane *père* that his memory should be sharper, and his evident more precise. As we know Vane's timid suggestion of the *double-entendre* synchronized with the explosion on the powder monopoly. If he, his son, and Pym are to be believed, those notes were never used to galvanize his memory till April. We are therefore, driven again to the conclusion that up till April Pym had not got these notes in his possession.

(3) There is a third consideration. The first interrogatory put by a lawyer, if he is trying to extract some disclosure of events that occurred on May 5, is, "Do you remember a meeting of the Junto on May 5"? The second would undoubtedly be, "Do you remember on that occasion" etc.? It is very patent that the Prosecution were fishing all during the interrogatories and the trial for any damaging utterance on any date that the witnesses could remember. This is why the *in globo* articles were all drafted and segregated according to odd phrases that each witness remembered, according to witnesses, and not on the basis of a sequence of sentences uttered at one meeting to advocate one policy. The Prosecution had no proof that they were all culled from one speech. This is partly the cause of the great mental confusion of the witnesses. If the Prosecution had, after failing with Juxon, pinned him to a meeting of the Junto on May 5, and given him

1) Gardiner. IX—326; C. H. I—131.

time to recollect himself, they would have, undoubtedly, appeared at the trial with a fuller deposition from him. The Articles, depositions, and evidence show they had no fixed meeting of the Junto, or date of any kind in their minds. If Pym had the notes in his possession he could have fixed the date. It was at the top, in either his own writing, or that of the younger Vane.

The story of young Vane giving a copy to Pym in September, and that worthy preserving it in secret till April, is undoubtedly a figment devised for a very obvious purpose. One reason, of course, was to get over the intense suspicion that would arise, if this evidence was not produced till the case had collapsed and closed. The long wait to save the honour of the younger Vane, the "necessity" that arose at the end of the trial, and all these tortuous reasons smothered the suspicion that would arise, if Vane *fils* discovered these notes only on the collapse of the case. It also concealed the very awkward fact, which for a multitude of reasons they did not wish exposed, that the corroboration of Vane, on which they had been relying, was Northumberland. The notes drew a red herring across that awkward trail. Northumberland was their most powerful ally. There was, however, another powerful motive. Vane *père* had to be preserved.

As joint Secretary of the Junto the elder Vane took notes for the King's use. He was strongly condemned by Royalists for having taken these notes at all.¹ It is clear, however, that he did so with the King's approval. In September, he received an order from the King to burn these notes, or, as Baillie put it, "the principal and all other papers, concerning the dissolution of the last Parliament, at the sitting down of the new were burnt".²

Mr. Gardiner points out, with his customary perspicacity, that this clears Vane of the Royalist charge of taking notes of a Cabinet Meeting for an evil purpose. The King knew he had done so. It also clears him of the charge of contorting Strafford's remarks in his notes. If these notes had to go before the King, who might show them to Strafford, Vane would have been too astute to have done such a deed. I cannot, however, follow Mr. Gardiner when he suggests—or perhaps surmizes—that this proves the accuracy of the notes displayed before the House. They were "truly copied"

1) Warwick. Memoirs.—142.

2) B. D. I.—289; Verney. Notes on the Long

Parliament.—37.

by Vane *fils*, according to himself. Vane *père* said they were a "true" copy. Pym said they were a "true" copy. They could have been all telling the truth, and yet, it might have been a gross misrepresentation. Each phrase by itself might have been true. It is, however, the phrase that preceeded "the Irish Army to reduce this Kingdom", that interprets its meaning. Even if the speeches of the Vanes and Pym are true, were they the kind of men to be trusted to summarize a document such as this, inserting carefully every word and sentence that told against them, on the eve of a political crisis, and in regard to a man whom they hated or regarded as a devil? This consideration is of all the more weight, when none of them stated that it was either a full report, or that the copy was "the truth, the whole truth, and nothing but the truth". They simply said it was "true". It is not extracts from notes of extracts of a speech, but the whole notes that we require to make a definite assertion. Digby was undoubtedly right when he described what was read to the House, as "disjointed fragments of the venomous parts of discourses".¹

It is sufficient, however, to notice that Vane *père* had a fairly accurate report of the proceedings of the Junto, and had been ordered to burn them before November. We thus get the motive for dating their theft long before the summoning of the Long Parliament. This cleared Vane *père* with the King. He had burnt the notes, but, before they were burnt, a surreptitious copy had been taken by his son. This story saved Vane *père*. The only corroborative evidence the Vanes and Pym were able to produce was that of Vane's steward, who testified, that, at a certain time, young Vane came to his father's house, demanded a certain cabinet, and the steward produced it. He and young Vane flatly contradicted each other on one trivial point, which shows that the steward had not been coached, and was telling the truth.² Could the Vanes in their desperation have hatched the whole tale, and used this visit of Vane *fils*, which could be corroborated, as the starting point for this tortuous method of saving Vane *père* at Court, and making Vane *fils* the daring darling of the Revolutionaries? Neither were men of much honesty, and both were in a ticklish position. One instructively remembers Cromwell's phrase, "Sir Harry Vane! Sir Harry Vane! God deliver me from thee, Sir Harry Vane!"

1) R. P. VIII.—51.

2) Verney. Notes on the Long Parliament.—37.

(4) There is not one incident connected with the trial to show that Pym had those notes before April 10. The flabby and confused Articles, the omission to use certain phrases, and the bewilderment as to the date of the Junto all point the other way. The failure to bring pressure to bear on the elder Vane may be explained by the hope that Northumberland would be useful, but, when he failed the Prosecution, the moment of "necessity" had come. The events of the last few days of the trial are inexplicable on the theory that Pym had these notes. On the close of the *in globo* Articles on April 5, it was clear that Strafford was triumphant. What was called "the necessity" to use those notes had now arisen. There was one possibility of using them. The 24th article which involved this charge had not been touched. The Prosecution put it aside and passed on. On Thursday it was patent that the case was over. Treason had not been proved. No stigma of any importance had been attached to Strafford. Pym's last opportunity had come, and Pym knew how to take legal and political opportunities. The 24th Article was revived.¹ Pym did not rise to the occasion. This was the last opportunity he had. So far from using the notes, he sat by and allowed the whole case to be closed. The Parliamentary lawyers moved "to close the process so far as concerned the matter of fact".² Would any lawyer—and Pym's conduct of the case showed marked legal ingenuity—allow his junior to make such a motion, if he had any evidence, that might yet be produced? If the evidence was of such enormous value as Vane's notes, Pym's acquiescence in the closing of the case can only be justified on the assumption that he had not the notes. Vane *père* subsequently said that, on that night—after the process was closed—he heard that his son had copied the notes.³ This shows that, on that evening, conversations of some kind were opened with the Vanes. On the next morning Strafford was sick. So far from Pym seizing the opportunity to undo the mischief that had been done before, he moved to close the whole trial there and then. In the end he submitted to a ruling of the judges that, on the next morning, the trial was to end in closing speeches.⁴ It was not till the following day, Saturday April 10, that Pym used the notes. He had now got himself into such a tangle that the only way by which he could

1) Brief and Perfect Relation.—53; W.M.—42. 2) Brief and Perfect Relation.—54. 3) Gardiner IX—326. 4) R. P. VIII—45.

produce them was by allowing Strafford to re-open the whole case. So hopeless were he and his colleagues of being able to proceed at all, that they arrived with a Bill of Attainder, drafted and ready, as an alternative method, to evade the difficulties that had arisen from allowing the 24th Article to close, and from "closing the process".¹ Is this the conduct of a great lawyer, who had those notes all the while in his possession, notes which he had taken, because their "discovery might be a sovereign means to preserve both Church and State", notes, which, so he related, constituted the prime reason why he had undertaken the prosecution?² His gross incapacity in the matter is in strange contradiction to the skill, with which he had utilized every little point up to this moment.

It is clear that Pym never saw these notes till the last moment. So thin and dangerous was all this tortuous tale, designed to replace Northumberland's defalcation by Vane's notes, without discrediting Vane at court, while explaining their secret source of information before Vane came to their rescue, so involved was the whole fiction, that Clarendon wondered why "there was never after any mention of it in public". In the stormy scenes that ensued, all discussion on the matter was easily burked, while the effect set the populace ablaze. Suffice it to say that the part of the story on which the whole thing hinges is as untrue as the other lies the Revolutionaries scattered broadcast during all this period. The art of demagogue consists in such things. Socrates called it "making the worse appear the better cause". *Populus vult decipi. Decipiat.*

The one flaw in this theory is the traditional view of Pym. Round his name have gathered a host of laurels, deposited by historians of the Macaulay school. Mr. Gardiner, however, who has—with some considerable reservations—carried on the tradition, failed to reconcile that view with Pym's attitude at Strafford's trial. He explained it by saying that "Pym could not understand Strafford". That phrase hits off the situation perfectly. A man with a theory in politics, above all a democratic theory, very soon loses his gift of perspective. The theory becomes the one thing needful for salvation. Its opponents are vermin to be

1) Dom. 1641—540. 2) C. H. I.—130.

stamped out. When the man is also one of considerable piety, his political fanaticism is enflamed to boiling point by religious zeal. The opponent is now, not only an enemy of the state, but a blasphemer of God. After the case was closed we find Pym speaking thus, "He hath used the King's name for injustice and oppression. He hath used his name to patronize horrid crimes. The wealth of Ireland hath been half consumed by horrible exactions and burdens. . . . Under his Government the Irish had as little security of their persons and estates, as if the Kingdom had been under the rage and fury of war. . . . He hath frequently used the whip and the pillory and such servile engines. . . . He hath broken the King's oath in the whole of his Irish Government. He hath taught that the King is not bound by an oath to observe the laws of the Kingdom. . . . The Earl of Strafford had the first rise of his greatness in the increase of Popery, and favour shown to Papists. . . ."¹

In these sentences there is not one grain of truth. They are not even exaggerations of peccadilloes. They are simply inventions. If, at the close of the trial, when there was no further excuse for misapprehension, Pym could get up and utter these sentences—not in a flight of passion, it being a carefully prepared speech—to what depths would not his sullen revolutionary ferocity bring him in a moment of desperation? Nor is this the special pleading of an advocate making the best case for a client. Pym had no client. He was the director and originator of the prosecution, seeking the death of a man who had done him no harm. At the very moment too, when political fury drove him to invent these charges of national destruction against an opponent, this is what he was seeking to perpetuate in the North of England, by blocking every proposal to get rid of the Scotch, on whose arms he depended. "Northumberland, Newcastle and the Bishopric will not recover their former state these twenty years. We have heard it said here that the coal mines will not beset right for £ 100,000."² The ordinary morality of the ordinary citizen would regard conduct like this in private life as worthy of penal servitude.

Politics, Religion, and Egotism lead men down many a slippery slope. Learning, enthusiasm, and a rectitude in private life have

1) R. P. VIII—663—666. 2) Speeches in This Great and Happy Parliament. London, 1641—111.

been used, since Pym's time, to excuse astounding immorality and unblushing mendacity in politics. The stately figure, the obvious piety, the sonorous speeches on the moral aspect of political questions are all no guarantee of veracity, integrity, or a sense of honour. When accompanied by egotism, and a passion for applause, this type of statesman has been known to be singularly dishonourable. He will, however, always flourish in time of tumult. He attracts attention, allures recruits, and lends an air of dignity to undignified proceedings, like a brass band at the head of a dingy procession.

How much truth there was in this story no man can discover at this time. Did "the precise party" blackmail the elder Vane by means of some leakage of information that came from the younger? Did the two Vanes put their heads together at the last moment and procure a kind of pardon from "the precise party" by the production of these notes? Did Pym, at some early stage, get a sight of some document in young Vane's possession, and demand that document in the end, when all was over, and Strafford on the verge of victory? All we know is that Pym did not have these notes till Thursday, that on that day the elder Vane was approached, that on Friday morning nothing had been procured, and that on Saturday morning they were in possession of the notes.

The notes themselves are yet more mysterious. They undoubtedly reek of Strafford. Every phrase could have been uttered by no other than him. Nevertheless they are singularly suspicious. They purported to be Pym's copy of the elder Vane's honest and conscientious report of the proceedings of the Junto. None but the damaging utterances of Strafford are reported. None but the dubiously unconstitutional remarks of Laud are treasured. Cottington appears only uttering advice by no means palatable to a friend of liberty, calculated to enrage an average middle class Englishman. Northumberland, however, appears with a series of sonorous platitudes and cautious warnings, eminently calculated to endear him to the popular party. We all know these were the views of these four men. Did they not at that meeting utter anything but remarks of this tenor? We know that Northumberland hated the Scotch. Did that hatred not show itself in some advice as to how the King was to keep them out of his—Nor-

thumberland's—demesne? Where are Strafford's "candide et caste" phrases? Where are his methods of "endearing the King to his subjects", such as remittance of feudal dues to those who were "forward", or possible compensations to outweigh the unpopularity of commandeering, or exemptions of wardships to the heirs of gentlemen slain in the fight, or the promise of a Parliament, when the fight was over? We know that these ideas dominated him, quite as much as "making the nobility smart for it", and it is impossible to believe that, when he urged an offensive war by forced loans and conscription, he did not urge these quite as insistently, to outweigh the doubts and fears of a revolution put forward by Vane and Northumberland. Accordingly these notes are not a fair report. Were they even a fair copy of the notes made for the King?

What adds to this suspicion is that no notes were taken of the speeches of others. Windebanke spoke. So did Vane.¹ No record was produced of what they said. Juxon said that "every man there" said his say.² We know that the rule at such meetings was for every man in turn to give his opinion. Was Juxon's opinion not worth recording for the King to meditate upon? Lastly there was Hamilton, who knew more about Scotland than any man there. Vane did not think of recording him. On this, however, there is some doubt. Clarendon says that the notes read in the House did contain Hamilton's name, but the remarks were of no importance.³ If this be so, the Prosecution must have expurgated the copy they subsequently published. Be that as it may, the notes of a Council, at which everyone gave advice, omitted Vane, which was natural, Windebanke who had fled, Juxon who had no enemy, and barely mentioned Hamilton, who had made terms with the Opposition, and was not averse to Vane. They also contained only the spicy and damaging utterances of that Royalist trio, for whose blood the Opposition were thirsting, and only the decorous sentiments of Northumberland, Vane's patron, destined yet to be the greatest ally the Parliamentarians procured. Were these the kind of notes that Vane was in the habit of making for the King? It is patent that they were an expurgated edition of the real notes.

The question then arises as to who made these choice selec-

1) R. P. VIII—532. 2) R. P. VIII—534. 3) C. H. I—130.

tions, picked out, perhaps from the reports of a dozen meetings, certainly from a long discussion, in which, at least, seven speeches were made. If we were to believe Pym and Vane, it was they who made "the true copy". Unfortunately the elder Vane made one slip. He was asked in the House if the copy produced were a fair copy of the notes he destroyed six months before. He replied that it was. Recollecting, no doubt, that he had given a rather poor exhibition of his memory a few days before, he added that, before the notes were destroyed he made a copy, and from his recollection of that copy he could certify to this. In other words Vane *père* was, at the moment, in possession of a true copy of the notes, if not of the original that had not been burnt. It is clear that this copy, still extant, was the origin of those "venomous extracts" produced on April 10, which were never in Pym's possession till then.¹

We thus arrive at a series of conclusions:—

(1) Pym drafted the Articles on the basis of a *double entendre* provided by Northumberland.

(2) After they were drafted, Vane produced a similar *double entendre*.

(3) The Prosecution learnt that Northumberland would put a harmless interpretation on the *double entendre*, and therefore did not call him.

(4) Vane in the box tried to avoid putting any interpretation on the *double entendre*, but was badgered into giving a sinister interpretation.

(5) The Prosecution collapsed and the case was closed.

(6) Vane was in possession still of his notes, or of a copy he had made of them. His son and Pym, after an interview with him on Thursday, appear on Saturday, with an expurgated copy of the same, and a Bill of Attainder to get over the legal difficulties, due to this late production. The story of the son's breach of confidence was only devised that the exposure "might be rather imputed to the conscience and curiosity of the son than the malice of the father". So wrote Clarendon, who was nearer the truth than he thought.

For our purposes, therefore, we may regard the charge that Strafford intended to "reduce" England by Irish swordsmen as

1) Gardiner IX—328. See D'Ewes' Diary.

untrue. There is no evidence to support it. All the evidence on the subject is the other way.

Nevertheless the production of these notes caused a great revulsion of feeling. True it was that "the precise party" held up every motion to make an accomodation with the Scotch, and thus kept a sixth of England under an arbitrary Scotch tyranny of billetings and confiscations. True it was that their agents flung in their lot with all the destructive elements of Irish sedition, imprisoning the Irish Judges, paralysing the Irish executive, and issueing ukases to make the estates of "painful people" over to the worst subjects in Ireland. True it was that the Scotch, whose Calvinistic and Badical propaganda made them the partners and the heroes of the Parliamentary clubs, had been forming alliances with the relics of Ulster feudalism and serfdom to spread fire and destruction throughout the Plantations. These things were conveniently forgotten. They did not affect the bourgeois of the Southern cities. The lamentations of the North of England, and the soon-to-be-realized apprehensions of the Irish subject fell upon ears deaf to everything, except the catch-cries that suited their own political prejudices. One has only to read the monster petitions of the Southern cities, to realize that England was mad with fury and panic at the thought that Strafford had plotted to ravage their homes with Irish janissaries.

In this atmosphere the decision of the Commons was a foregone conclusion. It is curious, however, to note the pertinacity, with which a solid little block of members exhausted every Parliamentary ingenuity to stay the passage of that Bill of Attainder. The younger Coke says that they numbered no less than 100.¹ Digby, Selden, Hyde, and Godolphin stuck stolidly to the great point that Strafford had broken no law, and that it was the height of "arbitrary Government" to declare that a man's deeds were a crime, and then to hang him for what he had done before it was declared criminal. "A law a posteriore" was Digby's description of this process. Falkland summarized the attitude of the Parliamentarians by an ingenius process of reasoning. "How many hairs' breadth makes a tall man we do not know, but we know one when we see him. How many illegal acts make a treason

1) Cowper, M. S. S. II—278.

is not well known, but we know it when we see it.”¹ The size of the majority was all that was in question.

The active “precise party” had, however, from the very beginning carried on a savage vendetta against that particular class of man, who refuses to go the full length in these movements. The Election Committees had got rid of some. Shares in monopolies resulted in the expulsion of many. A few were sequestered for incautious phrases. How far this process of intimidation could be carried is shown by one incident. A member suggested that a certain ukase of arrest was illegal. Pym instantly “conceived this did detract from the power of the House, and was an impediment to the reformation, and did conceive that the gentleman be imprisoned. Others conceived farther”. The “gentleman” escaped on that occasion, but the incident shows how dangerous it was to be outside the “precise party”.² One member was expelled and imprisoned for saying, “We have committed murder with the sword of justice”, and those who voted against the Attainder complained subsequently that they “went in fear of their lives, great abuses being offered to them”.³ The tide of popular feeling must have been singularly terrifying, as old Coke, one of Strafford’s warmest supporters, wrote up in terror and indignation to his son, scolding him, because he abstained on the division, and did not vote for the Bill.⁴ One should remember that to oppose it was to be liable to the charge of supporting “arbitrary government,” “incendiarism,” “illegal exactions,” “papal innovations,” “undermining the Protestant religion”, and, as one petition put it, “the plundering of this city and the putting it to fine and ransom by an Irish Popish Army.”⁵ When a multitude, led by skilful agitators, once get these sweeping half truths into their heads, it is a brave man who will stand up, and cast his vote against “the just demands of all classes in this realm.” When a man has but one vote out of 400, but a fraction of the responsibility and all the odium, he never withstands the multitude. A sentry, who refuses to desert his solitary post in the face of great danger, is quite capable of joining in a mutiny that he hates. We get one glimpse of this perennial disease of popular assemblies in the unfortunate wight, who sent a message to Strafford asking for forgiveness. “I did it

1) Verney. Notes on the Long Parliament.—49. 2) Cowper. M. S. S. II—294.

3) Diurnal. Occurrences.—111, 115. 4) Cowper. M. S. S. II—283. 5) R. P. IV—224.

against my opinion. I knew you were not guilty. I desired simply to preserve my credit in the House, being confident the King and Lords would reject the Bill, and my vote would thus do you no harm."¹ Suffice it to say that of the 152 who opposed the initial impeachment of Strafford only 59 voted against the Bill of Attainder, 204 being the number of its supporters.² A large number, about 200, took the line of least resistance, and walked out of the House, which, as one of them said, was "a symptom of no great satisfaction."³

Shortly afterwards the division lists were published. At this period this was a serious breach of privilege. Digby, for instance, got into serious trouble for publishing his speech on the Bill of Attainder. The list was taken by a member of the name of Elsing, and posted "in the old Palace Yard" by Mr. Wheeler of Westbury. One unfortunate member, who had not voted at all, protested vehemently against being thus unjustly exposed to the rage of the multitude, but that was all that was heard on the matter. John Crewe of Northumberland also abstained, "where-upon letters were sent into ye country with these expressions, "Crewe is a Straffordian", "Crewe is a Papist", all of which were unpleasant to the Crewe family, who were strong Puritans.⁴ The superscription on the published division list was "Straffordians, who, to save a traitor, would betray their country."⁵

This was destined to react considerably on the doubts of the Peers. Strafford himself said of it, "This affrighted and took from men the free delivery of their own opinions, which to endeavour is, in itself, the greatest breach of Parliamentary Privilege, and the most dangerous subverting of Fundamental Laws that can be, thus endeavouring to corrupt the fountains, whence we receive, and where all laws are preserved."⁶ The Act, passed on the Restoration to reverse the Attainder, inserted in the preamble this breach of Privilege as the chief cause of the undue influence, that subsequently affected the Peers, by "causing the names of those resolute gentlemen, who, in a case of innocent blood, had freely discharged their consciences, to be posted up as "enemies

1) L. S. II—432. 2) R. P. VIII—54. 3) Cowper. M. S. S. II—279. 4) C. M. IX. Memoirs of Lord Crewe.—I. 5) May. History Long Parliament.—95; Commons Journals. II—119; R. P. VIII—59; Verney. Notes on Long Parliament.—57, 58. 6) C. M. IX—24.

of their country," hoping to deliver them to the fury of the people, whom they had endeavoured to incense against them."¹ As for the gallant 59, "We went in fear of our lives, and great abuses were offered to us."²

The Lords, however, were a far more independent body. It is true they had no love for Strafford. At York they had been very bitter against him. At this era the friction between the King and the nobility was far more acute than that between the King and the Commons. He was the check on their territorial and manorial privileges. They were the check on the Prerogative. It was from them that all the opposition came to Royal plans. This friction made the position of a Minister at times intolerable. It was on his advice that a manor was curtailed, a forest encroachment checked, a Church Impropriation recovered, and, at times, a warrant for arrest put into execution. When President of the Council of the North Strafford had seriously alienated the Peerage. That part of England was the last stronghold of feudalism, and Strafford—more than anyone else—had reduced it to a state of modern civilization, where magistrates were respected, and juries gave their verdicts fearlessly. There, we are told, he took "great delight to free a poor man from a powerful oppressor, or to punish bold wickedness. This lost him some men's good will, which he thought to be better lost than kept upon those terms." Nevertheless one of the Peers, whom he had harried very severely, "did him all justice and favour in his troubles, who deserves to be honoured"—so wrote the sorrowful Radcliffe—"especially by us that had relation to him."³ Suffice it to say that, at the beginning, the Peers were very active in his Prosecution.

Things had changed since then. He was fallen and disgraced, an object rather of pity than vengeance. A handful of Olympian Peers were less likely to be swept along in the tide of prejudice than the tumultuous and helpless commoners. The personal influence of the Court, especially that of the Queen, was able to lull many an old vendetta. Bristol, Saye, and Holland were now satisfied with his fall, and thirsted no longer after his blood. Also he was a Peer, of good family too, with whose relatives they had

1) R. P. VIII—777, 778. 2) Diurnal Occurrences.—115. 3) L. S. II—434.

wined, and dined, and hunted, and this personal equation slowly slaked their wrath. What man too, with any respect for himself and his order, could fling a man such as this to the rabid fury of the demagogues? The tumultuous processions of shop assistants to welcome the release of libellers like Prynne and Bastwicke, the angry petitions over imaginary grievances which those that signed had certainly not suffered, the tricks of the mob men in the Commons, glozing their confiscations, truculently arresting honest men, and whining dolefully over tyrannies of their own conception, the badgering of Strafford by the lawyers, their refusal to allow him Counsel, their threats to his witnesses, their interception of the documents for his defence—whatever may have been the sins of the Peerage of England, this was not their method of procedure. Their code of honour was curious. They were capable of much that was not creditable, but they had a dim conception of fair play, which the revolutionaries certainly had not. When, however, it came to extending the law of treason, to making it treason to advise what Pym and the London Corporation did not like—the Peers as a body drew back. One has a hazy suspicion that, if Strafford had “held the city to fine and ransom,” there would have been dry eyes among the Peerage of England. Hitherto, their objection to the Monarchy had been that it prevented them from doing the same.

This hostility was growing and growing. It began when the Peers gave Strafford three weeks to reply, instead of Baillie’s “few days and then execute.” It became more noticeable when they insisted he should have legal advice, and when they protected one of his witnesses that the Prosecuting Committee threatened. The climax came when they decreed that, if the Prosecution wished to re-open the case, Strafford should be permitted to do likewise. This was compromised, after a few days of “hard words”, by an arrangement that the case was to be regarded as closed, and both sides were to make their speeches.¹

This was the occasion of Strafford’s swan song. The speech is still on record. What strikes one most is the flow of the language. It was probably delivered from a few “heads of discourses.” It begins with a simple analysis of the evidence. There

1) Brief and Perfect Relation.—69, 70; Diurnal Occurrences.—77.

is not an unnecessary word, nothing but pungency and clarity. Maynard's reply—and it is singularly able—suffers badly in the contrast. The one is the speech of a blunt man, clear in his innocence, telling how everything occurred, why he did this and omitted to do that, and assured that his hearers, being honest men like himself, will understand it all. Maynard's speech is that of the advocate, very ingenious, but it lacks that ring of truth. It is too clever.

It was towards the end that he cast his notes, order, and arrangement aside, and spoke to the Peers as a Peer to protect the realm from this terrible proposal that a mistake or unpopularity should be made a cause of death. The hoarse voice began to soar into what Macauley calls melting eloquence. His own destiny seems to disappear as he pleads with them for the subject, the realm, for "your estates, your children yet unborn, your very selves." For close on an hour the audience sat spell bound and his opponents aghast, as he touched every string of the human passions with an eloquence that was all the more effective because it was artless, and all the more powerful because it was nothing but the words, of "no orator, saying but what he himself did know," pleading but what all his judges felt. Once he broke down and wept, so near the surface were his passions. In fact at this age when civilization was but new, nearly all the men of any eminence were Homeric in their lack of restraint. One of the Royalists when he brought the news to young Charles of his father's execution, "clapped his hands together, and clasped the Prince's knees, kneeling before him, and making piteous moan." Strafford wept awhile and then concluded on the minor key of the classic orators. "You will please to pardon my infirmity. Something I should have said, but I see I will not be able, and therefore I will leave it. And now my Lords, for myself I thank God, I have been, by His good blessing taught, that the afflictions of this present life are not to be compared with that eternal weight of glory that shall be revealed for us hereafter. And so, my Lords, even so, with all humility and all tranquillity of mind, I do submit myself clearly and freely to your judgements, and, whether that righteous judgement be to life or death,

*"Te Deum Laudamus, Te Dominium confitemur."*¹

1) R. P. VIII—660.

"Give the devil his due," wrote an opponent, "he hath perfections, amongst which his oratory was not the least."¹ The result was patent. "The Lords," wrote young Coke, "excepting some few, are supposed to be his sure friends."²

Drastic measures would have to be employed to make the Peers discard their dislike of the new definition of treason. The measures are thus outlined. "To balance the Lords there is a petition preparing in the city with 20.000 or 30.000 hands to it, to complain of the decay of trade, and to demand justice against the Earl of Strafford. The loan of £ 120.000 promised for the payment of the armies is stopped to boot. The Scotch lie near to Berwick, and have that town in their power, and their design is thought that, being provided with vessels, they are ready to transport their forces to London where they have a very strong party amongst the discontented citizens."³ In other words, if the Lords and the King did not accord "justice against Strafford," patriotism would cause the army to be disbanded, would raise riot, anarchy, tumult, and civil commotion in the slums, and, to make doubly sure, would bring their good friends the Scotch Southwards, to do on the properties and persons of the King's law-abiding subjects what they had already done with the MacDonalds and the Stewarts in Scotland. The King was but one man. The Peers were but 100 men. Accidents might happen, of course, if the people were provoked, but on whom would lie the blame, but on those that provoked them? The King and the Peers would therefore do well to consider the just demands of the English nation, and to remember that, in London, there were no police, and not a solitary soldier. On one side was what everyone had a right to expect, Justice. And on the other—Argyle's levies burning the country houses. O Liberty, what deeds are done in thy name!

It was very plain that intimidation alone would move the Lords. From Saturday April 10, to Monday, they used "hard words" about "the blood of our ancestors" and the dictation of "popular factions". On the evening of that day they decided to persist with the trial, leaving the Commons to proceed with the Bill of Attainder.⁴ On Tuesday Strafford made his defence before them. On Thursday the Peers declared they would hear Strafford's Counsel on

1) Dom. 1641—591. 2) Cowper. M.S.S. II—278. 3) Cowper M.S.S. II—278.

4) R. P. VIII—46; Diurnal Occurrences.—77; Brief and Perfect Relation.—57, 58.

the legal points involved. The Commons were up in arms at once, denying his right to counsel, and asserting that the Bill was the only question at stake, in whose passage he and his counsel had no *locus standi*.¹ Whistler said it was "against law to hear his counsel." St. John said that the Commons were now the judges, and it was "a dishonour to hear Counsel anywhere than at their own bar." Hampden however counselled surrender, and the Commons decided to attend and listen, but not to reply.²

Accordingly on Saturday 17th, the Attorney to the Prince of Wales argued on the legal definition of treason before the Peers. Lane's case was unanswerable. An Act of the reign of Queen Mary had distinctly stated that no one should be executed for treason, save for breach of the Statute of Edward III. This Act ruled out once and for all that doctrine of constructive treason, that a series of minor misdemeanours could amount to a felony, that deductions from previous decisions, and the cumulative effect of what Lane called "consequences or illations," could magnify errors of judgement, words spoken, and mooted policies into "levying war against the King or adhering to his enemies."³ Gardiner, the Recorder, who followed, went further. He said that the Peers should first rule what offences he had committed, and then state a case. The lawyers would then be able to argue whether each of these acts or all of these acts were treason. Till that was done, they were but beating the air.⁴

On Wednesday April 21st the Bill of Attainder passed the Lower House, and Pym carried it to the Upper, with the declaration that this time they would attend the Peers to "justify the legality of the Bill." He also urged haste.⁵ So far from the Peers bestirring themselves they allowed the Bill to lie on the table, and a series of wrangles as regards procedure held up all progress for more than a week. It was simply read a first time, and "a great part of the Lords seemed much to oppose it."⁶

St. John was entrusted with the legal argument. His general plea was, "*et si non prosunt singula, cuncta juvant.*" Trespasses, illegal judgements, words calculated to cause a breach of the

1) R. P. VIII—47, 48; Brief and Perfect Relation.—70; Diurnal Occurrences—81, 82. 2) R. P. VIII—49; Verney. Notes on Long Parliament.—49, 50. 3) R. P. VIII—671—674. 4) Nal. II—156. 5) R. P. VIII—54. 6) R. P. VIII—54, 55, 57, 58; Diurnal Occurrences.—85, 86; Dom. 1641—559.

peace, devices to alter the *status quo*, if directed against the Commonwealth were directed against the King who was the Commonwealth, and, if each of them was illegal, the total was a war, and hence a war against the King. As proof thereof, he instanced the riots of Tyler and Ket, which were not directed against the King, and yet were Treason. This was ingenious, but where he was undoubtedly on safer ground was in the billeting of the soldiers on a defaulting litigant. Cess was treason in Ireland. Against this, however, Bridgeman in the Commons had given very pungent reasons. The English Statute of Treasons had distinctly defined this as trespass only, and that was the only statute of which the English Parliament had cognizance. In England and Scotland the Court of Requests always enforced its decrees by this method, and the Castle Chamber was but its Irish name. The Irish Statute of "cess" only made it treason in the case of "Lords and others," and this did not include the King, the Deputy, the Courts of Law, or the Crown, generally acting as the Crown.¹ St. John obviously felt the strength of this, as he sought to bring this warrant to the Bailiffs under the head of "levying war against the King," which was straining language with a vengeance. What he chiefly relied on was the plea that Strafford was a danger to the realm, that men who put themselves into such a position were traitors, and that traitors should be executed. Undoubtedly St. John's speech was a marvel of close reasoning and legal innuendo, but it could not get over the fact that Strafford had broken no statute, and to make a law *a posteriore* was really a *coup d'état*.²

The next morning Charles wrote to Strafford. It was clear that the days of his political life were over, owing to "the misfortune that is fallen on you by the strange mistakes and conjuncture of these times. Yet I cannot satisfy myself in honour or conscience without assuring you that, upon the word of a King, you shall not suffer in life, honour, or fortune. This is but justice, and therefore a very mean reward from a master to so faithful and able a servant, as you have shown yourself to be. Yet it is as much as I conceive the present times will permit."³ From this time onwards all the energies of Charles and Strafford's

1) Verney. Notes on Long Parliament.—56.

2) R. P. VIII—675—705.

3) L. S. II—416.

friends were directed towards procuring this compromise. The efforts of the "precise party" were bent on preventing it being consummated.

Accordingly the Parliamentary leaders became instinctively aware that they were confronted by an impasse. Twenty Peers were all that they could hope to vote for this extension of the Law of Treason. The Bishops, who had no voice at the trial, had a vote on the Bill of Attainder. All save one were Straffordians. To obviate this a Bill drifted through the Commons to deprive the Bishops of their votes. The temper of the Peers, however, was up at this stage. They tartly retorted that the Commons should mind their own business, and not interfere with "our House". St. John and Haselrig then conceived the idea of making a general onslaught on the Bishops, and they put up a private member to propose their complete abolition. To their amazement the Commons revolted. A storm of criticism assailed this sweeping proposal. The "precise party" suddenly realized that though there was hostility to "prelatical tyranny," the majority of the House were by no means disposed to presbyterianize England. After an angry debate the Bill was laid aside, and other methods had to be devised to overcome the prelatical vote in the Upper Chamber.¹

A storm was brewing outside the House. Coke's hint of "petitions to counterbalance the Lords" shows what was coming. These petitions were trickling in, and it required very little to convert them into a popular outburst. Vane's story of "the Irish Army" was one source of popular suspicion. Worcester's levy of 1,500 men in Wales, "all papists that went to Mass to the sound of a drum," had already been a subject for protestation.² In Yorkshire lay the Royal Army, scantily paid by dribblets, while the Scotch received their weekly pay in full and ample manner. The danger also of the Scotch taking Berwick, which they had actually blockaded, was something that made it vital that Charles should "put the army in a posture," by improving the discipline, and providing it with money.³

At this stage the "Army plot" came on the scene. The details have been thoroughly sifted and sorted by Mr. Gardiner, and are already well known. Roughly stated they are as follows. Some

1) C. H. I.—134—136. 2) Diurnal Occurrences.—36. 3) Egmont M. S. S. I—133.

Army officers petitioned the King for pay. "The Queen's side saw in their dissatisfaction a dim hope of a *coup d'état*. Mysterious oaths, plots, and runnings to and fro ensued, all of which were known to the "precise party" by the beginning of April. The King favoured the petition for obvious reasons. He listened to the conspirators, and, after meditation, bluntly told them that their designs were "vain counsels." This was obvious. A *coup d'état* would not pay the Army. What cash would result from a forcible dissolution of Parliament? What would the Scotch Army be doing in the meanwhile? They too wanted cash, and it could be provided by Parliament alone. The very fact that, at the end of April, Holland was made commander-in-chief of the forces shows what Charles thought of these vain counsels of the Queen, her foolish retinue, and the indefatigable Father Philips, who knew so little of Charles as to suggest to Rossetti that the Pope should provide the cash, and Charles should become a secret Roman Catholic. It was almost on a par with the Queen's boast in February that 20,000 foreign troops were coming. It was a question not of troops, *coups d'état*, oaths, and intrigues, but where the money was to arise for the pay of the troops, the food of the troops, and the ordinary incidents of Government. None knew this better than Charles. Hence his remark on "vain counsels", and his appointment of Holland to please moderate Parliamentarians. None thought of this less than Henrietta Maria, and her coterie of inexperienced politicians, idle young men, and poets, the most terrible combination that can be let loose in affairs of State, especially when influenced by intriguing women. Is it any wonder they quarrelled among themselves and revealed the worst side of the story to Pym? Is it any wonder the Parliamentarians were fully informed of all this going to and fro in the earlier part of April? At the time, however, they treated it as but the inevitable intrigues of the "Queen's side", corresponding to a lobby intrigue on the part of those below the gangway in our modern system of Government, or to the movements of political clubs and "able editors," *voces et præterea nihil*. Neither Charles or a single responsible counsellor had lent it the light of their countenances. Where they were involved at all was their intense desire to "favour" the Army, to "put it in a posture," to soothe its mutinies, and to extract its supplies by daily

appeals to Parliament and speeches on its mutinous condition. The complaint of the officers, for instance, was sent by Charles to the House of Lords, and the petition was initialled by him and sent back to the Army for further signatures, which open method of action shows his bona fides in the matter. With this every honest subject could sympathize. It requires a very violent partizan to leave soldiers six weeks in arrears of their pay, and on half rations the while.

Where Charles, however, did take a hint from the conspirators was in one detail. Their idea of "marching on London" contained one germ of sense. A child could foresee trouble brewing in London. The only armed force in that city was the train bands, revolutionaries to a man. Imagine a coal strike pending in Wales to-day, and the only available Crown force consisting of the local Territorials! Any Government, worth its salt, would despatch thither a regiment of the Regulars as an elementary precaution. In the case of London, subsequent results completely justified Charles. As it was, towards the end of April, he ordered Captain Billingsley to levy a hundred of the discharged mercenaries, who were in the city, and to place them in the Tower as a garrison.

It was this that frightened the "precise party." Apart from the appearance of soldiers in the Metropolis—popular leaders always shudder at such a move—it meant that Strafford passed from their power into the grip of Charles. What use were Bills of Attainder if the Monarch rejected them,—as he had a right to do,—and then quietly sent the unconvicted Strafford out of the Kingdom? Furthermore, every Revolutionary Party, no matter how pacific in words, has, at the back of its mind, the idea of riot. Every Liberal is opposed to a strong Army. Every politician, seeking to alter the *status quo*, and depending on popular excitement, keeps in reserve, as his great weapon, the threat of civil commotion at the expense of the ordinary citizen. Every demagogue regards the appearance of a policeman as a threat to himself, or, at any rate, as an obstacle of some kind. Here was a party stirring up passions in London to "counter-balance the peers," and, as we know, to intimidate them by force. What must their feelings have been, when they learnt that 100 soldiers, who could scatter 5.000 uproarious citizens, were about to take up their quarters in the Tower, and to hold the person of

"the Arch-Incendiarist," not for them and patriotism, but for the King?¹

True it was that the Tower was the King's property. True it was that the prisoner was accused of treason to the King, who could do what he wished with those who offended against him. These, however, were legal punctilioes. This was not a time for law. Law was only valuable when on the side of patriotism. Accordingly the "precise party" carried a resolution that, as "the Earl of Strafford may have a design to escape," the guard be strengthened, "the guard," being the train bands, "men that we know." Captain Billingsley will now find himself outnumbered.² A few hours after this occurred, another dénouement caused another commotion.

While all this was in process, while it was even clear to the Parliamentary leaders that the Bill would "hardly pass the House of Lords," Lord Saye intervened with damaging effect. Bedford's sudden death had made Saye the chief counsellor on whom Charles had to depend for knowledge of the temper and attitude of the Peers. Saye had persistently assured him that he would be able to prevent the passage of the Bill, if Charles only followed his strategy. At the critical moment he came to Charles with the culminating point of his strategy. He advised Charles to go down to the House, and inform Parliament generally, that he was dissatisfied with much that Strafford had done, that he would dismiss him from all honour and offices, but, the point of treason not being clear, he could not consent to a death sentence. The policy had one merit. It took the onus off the Peers. They could subsequently defend their rejection by the certainty the King would veto the Bill, and dismissal and disgrace were of some value, on the principle that half a loaf is better than no bread. To a Peer, timid of public opinion, this was something.

The moment Strafford heard of this, he was aghast. It struck right at his traditions. It shifted the unpopularity of the rejection from the Peers on to the King. It made the King step forward to defend an unpopular servant. It did something worse even than that. It provided the Peers with a reason why they should pass the Bill. Left to himself, many a Peer would face the

1) Gardiner vol. IX; R. P. IV—253, 254, 257; C. H. I—139—144. 2) R. P. VIII—238.

shouts of the rabble rather than execute a brother Peer, who was innocent. With the certainty, however, that the King would reject the measure, the timid Peers, with a love of popularity, would undoubtedly pass the measure, on the assumption that it would go no further. Strafford immediately despatched his brother to advise the King to "depend upon the honour and the conscience of the Lords," and upon that and that alone.

The next day Saye arrived, and argued vehemently with Charles. He told him bluntly that, without this intervention, success was dubious. He went further. He washed his hands of the whole business unless his advice was taken. It was a serious moment. Saye was the acknowledged leader of the "popular" Peers. With his aid it looked as if all would be well. He was in the House. Charles knew nothing of its temper, save through intermediaries like this. He decided to trust Saye, and went forth to make a declaration; which, as Strafford said, he "might well have spared." Both Clarendon and the Author of the "Brief and Perfect Relation" held that Saye was not honest in the matter, as at that time Strafford had a majority in the House of Lords.¹ But a week before, Baillie had written, "It kythed Strafford's friends were strongest in the Upper House."²

Both Houses were summoned and the King made his declaration. Bluntly stated, it was to the effect that his conscience would not permit him to execute Strafford, especially when he had never advised him to bring over the Irish Army. The words were hardly out of his mouth, when it was apparent that Strafford had been right. Relief was obvious on the faces of the silent Lords. A barely perceptible hum of indignation rose from the gathered Commons. Charles slowly left the Chamber with the feeling that he had not improved matters.³ The Commons retired to their precincts, and, after loudly expressing their indignation, adjourned over Sunday till Monday, May 3rd. During the interval the Puritan Ministers lifted up their voices in the pulpits, and harangued their hearers on the need for justice on "the great delinquent."⁴

On Monday the Commons reassembled, full of what a Royalist would call "contumacy." Pym rose to draw a red herring across

1) Brief and Perfect Relation.—82. 2) B. D. I.—289. 3) C. H. I.—146; R. P. VIII—734, 735; Brief and Perfect Relation.—79—83. 4) W. M.—45.

the track. Grave stories had reached his ears of highly unconstitutional practices. A *coup d'état* was on the verge of execution. The People's Chamber was in peril. The Army was mobilizing. Officers had been ordered to repair to their quarters. Manifestoes glorifying the Prerogative were circulating among the troops. If good patriots did not take heed in due time, armed men would appear in London, "menacing" the Parliament, incarcerating the friends of liberty, and no doubt filling the depleted Exchequer of the Crown by those methods Strafford had advised. Nay more, what religion were many of these soldiers? Did not they go to mass "to the sound of the drum."? What was the religion of the Queen? Why was she meditating a journey to Portsmouth? What was the Queen's mother doing in England at this time? Certainly she had not arrived to suppress Prelatical and Papal Innovations. Twice had they petitioned the King to demobilize that Irish Army. Twice had he refused. They knew well for what reason that force had been called into being, viz. "to reduce this Kingdom". Now it was clear, very clear, that the English and Irish Armies were to be "joined," and the "bringing in of a French Army" was a certainty.¹ This excursion into a plot of a French landing at Portsmouth, arose partly from the Queen's boasts of "foreign troops," and partly from the ostentatious visits of some self-important priests to the French embassy. Pym forgot for the moment that the only available French battalions were in the east of Picardy, and that it would take two months to mobilize the French Navy.² There was even worse to come. Evil advisers—"unfriends, men and devils," honest Baillie called them—had been negotiating with the Scotch, asking them on what terms they would leave England, seeking to split the forces of liberty, so that this Army might be free to wreak its wrath—visible enough in these military petitions—upon those who stood by the Reformed Religion and against Papal Innovations.³

Bad as this was, there was worse to come, and here Pym was on safer ground. The House had declared the Arch Tyrant a traitor. He lay now in the Tower with none to give him sympathy, but Jesuits, friars, and the retinue of the Queen, all of whom were very active of late, including those who buzzed around

1) Diurnal Occurrences.—94. 2) Dom. 1641—585. 3) Cowper. M. S. S. II—280; B. D. I—294.

the French Embassy, and Father Philips, whose tirade on the Parliament was subsequently intercepted, and read to the horror of all friends of liberty. Orders had come to the Governor of the Tower to dismiss the respectable train bands of honest citizens—"men that we know"—and to substitute a guard of 100 men under a notorious partizan of the Arch Incendiarist himself, nay even "a page of the traitor".¹ The *coup d'état*, the rescue of Strafford, the arrival of mercenaries, the overawing of the Parliament, this, and a host of other circumstances rendered it vital that honest men should bestir themselves, and "caveant ne quid detrimenti respublica subeat."²

Then the long pent up storm burst. The whole plot was no more than men expected. Its publication just suited the exigencies of the moment. It came when long irritation, a series of rebuffs, hope, despair, and anger all alike combined to give the emotions of the moment a volcanic potency.

Instantly a series of excitable resolutions were passed at rapid speed through a confused, bewildered, and excited assembly. A Committee was appointed to inquire into the despatch of gunpowder to Portsmouth, to note what priests had been unduly active, and to prepare a resolution for "the defence of religion, the King's person, and the liberty of the subject."³ A message was sent to the Army promising pay and rations, and assuring them that the Parliament were their friends.⁴ The Peers were notified of what was being done, and a Committee of that House went with a Committee of the Commons to inquire into that affair of the Tower. After much wrangling they procured an assurance that the old garrison would remain, and the new be not admitted. What was more to the point—and here the "precise party" scored—one of these "popular" Peers, Lord Newport, remained behind in the tower as patron of the "men we know," as the real gaoler of Strafford.⁵

Before this storm Charles could do nothing and he let him remain. All shipping too was stopped to prevent egress of suspects, with the result that over 1.000 sailors were unemployed, and hung about the streets, ripe for mischief, and by no means

1) B. D. I—295. 2) Cowper M. S. S. II—278, 279, 280; R. P. VIII—735; IV—240; C. H. I—143. 3) Commons Journals. II—67. 4) Verney. Notes on the Long Parliament.—67; R. P. IV—252. 5) Brief and Perfect Relation.—92.

enthusiastic on the "incendiariist" who had produced this situation.¹ Excited delegates were despatched to supervise the Ports, and stay emissaries that Henrietta Maria might send to "friends of Popery in France."² It is to be feared that Richelieu and other "foreign Papists" were far more sympathetic to Pym and the "precise party," than to poor Henrietta Maria, she being the consort of the monarch who owned the greatest navy in Europe. One somehow cannot visualize Richelieu intervening in England to save Strafford. His Majesty was then "moved" to give orders that none of his servants leave London, as the House had discovered "sinister designs," derogative to peace, order, and religion.³

Outside the London multitude had gathered in large numbers demanding blood "with a loud and hideous voice."⁴ "For these two days," wrote an onlooker, "the town has been in uproar, tumultuously seeking justice and speedy execution."⁵ Whitelock put the number at 6,000 armed with "swords, cudgels, and staves". Many of them were men of good fashion.⁶ It should not be forgotten that trade was paralysed, and large numbers were in a state of great destitution. It was an easy matter in such circumstances to gather a crowd. It was easy too for them to ascribe their misfortunes to Straffordian policy. Nor did they hesitate to 'do so.'⁷ How much was due to organization during the week end is a matter of controversy, but, by now, things had reached such a pass that any spark caused a popular conflagration. But a few days before, an effort had been made to rush the Spanish embassy, the indignant ambassador not scrupling thereafter to describe the nation to which he was accredited as "a race of savages."⁸ This time the multitude were thoroughly alarmed. Loud cries reached the assembled Commons of "Justice," "Justice on Strafford". There were about 5,000 in the crowd—some put it at 10,000—and staid Aldermen threatened to reinforce it next day with their employees.⁹ Some boasted that next day they'd come with swords, and cries were raised of "We'll have either Strafford or the King."¹⁰

The Peers on their way to the Upper House were greeted

1) R. P. IV—242, 250, 258, 259. 2) Diurnal Occurrences.—92. 3) Diurnal Occurrences.—93. 4) B. D. I—295. 5) Egmont. M. S. S. I—134. 6) Diurnal Occurrences.—90. 7) W. M.—45; May. History of Long Parliament.—93. 8) Brief and Perfect Relation.—84. 9) Dom. 1641—569. 10) Braye's M. S. S.—141.

with language they were not accustomed to hear from such plebeian lips. Arundel, as he threaded his way through the narrow lane of roaring humanity, tried to pacify them with the stately remark, "You will have justice, if you will have but patience," which was greeted with jeers at the procrastination of the Peers, and shouts of "We have waited long enough." Bristol came in for the full blast of the popular fury, "We'll have justice on you," "Your son will get justice from us," "Apostate to Christ," and other remarks, indigenous to tumultuous assemblages when excited over vague theories. The majority of the Lords slunk home by boat, not daring to enter their carriages. When the crowd spied a Lord in the street they used to pursue him with roars of anger.¹ Montgomery escaped their wrath by jovial orations.² Holland bravely entered his carriage and departed amidst considerable uproar.³

The Commons then proceeded to add fuel to the fire, led by Maynard. The Reformed Religion was undoubtedly in danger. Papal Armies were about to be "introduced into our bowels". Men should declare themselves. Let all the House spurn and denounce these and like designs, and swear to uphold, to the point of death, the standard of resistance to Papal Innovations. Those who refused—let them beware!

A Protestation of a most inflammable type was then drafted. It was one of those resolutions, so dear to the heart of the old Parliamentary hand, which are based on principles the average man affirms, and include, by innuendo, principles held only by the fanatic. To object made a man liable to the charge of conspiring by force of arms to suppress the Protestant Religion. To submit meant a repudiation of the *via media* in matters religious. The Protestation also conveyed the suggestion that the King had been guilty of undesirable practices. Amidst great excitement this Protestation was affirmed and despatched to the Lords. The Roman Catholic Peers to the number of eight disappeared, and never voted on the Bill of Attainder.⁴ Two Lords flatly refused to be dictated to, and snapped their fingers at this method of

1) R. P. IV—257. 2) W. H.—45. 3) Diurnal Occurrences.—90, 91; Brief and Perfect Relation.—84, 85. 4) Diurnal Occurrences.—91; Brief and Perfect Relation.—89.

procedure. The rest tamely submitted and affixed their signatures.¹

The pious Baillie waxes almost lyrical at this dénouement. He who saw everything in its relation to the Covenant, thus addressed the Presbytery of Irvine. "Blessed be the name of the Lord! We have, I hope, the substance of the Covenant. God maketh our enemies the instruments of our good. We see now that it hath been in happy time, so much time hath been spent on Strafford's head."² Nevertheless the comic element was not entirely absent. In the midst of these upliftings of hands and outbursts of emotion, the House was compelled to arrest, try, and imprison a contumacious Straffordian. He had spoken thus. "It's the Commons should be hung, and not the Earl, and if I find one of their Protestations anywhere, I'll tear it down and wipe my breeches with it."³

Suffice it to say that the City was now in uproar. Monster petitions were carried round the City, and presented to the Commons amidst cheers and tumult. The fact was that real fear inspired the commotion. The multitude firmly believed that the Army were coming to "hold our city to fine and ransom". One incident alone shows how far the god Pan was in the ascendent. A board cracked beneath the weight of a stout member. The Commons sprang to their feet in alarm. The infection spread outside, and fearful recollections of Guy Fawkes added to the confusion. "In a clap all the city was an alarm, shops closed, a world of people in arms running to Westminster."⁴ It only remained for an excitable man to stab a magistrate "for persecuting poor Catholics," to convince many that the end of all things had arrived.⁵ With a cry of "To your tents O Israel", the crowd threatened a general strike if the Lords would not give them Strafford's head. "They would shut up all shops and never rest from petitioning."⁶ Charles called on the Parliament to assist in assuaging the conflagration. The Lords sent the message down to the Commons. They, however, sat tight. Why should they stir? It was they who were riding this whirlwind. They listened to the message being read, and then turned to further exposures and comments

1) R. P. IV—242—247; Verney. Notes on the Long Parliament.—67—71; C. H. I—144, 145. 2) B. D. I—195. 3) Diurnal Occurrences.—92. 4) B. D. I—296. 5) C. H. I—142. 6) Brief and Perfect Relation.—87.

on "plots against the safety of this realm".¹ The Peers remained sitting in their Olympian aloofness, painfully conscious of the probability, that, if they did not yield, "their brains would be beaten out".²

The final day of the drama arrived. Only an attenuated remnant of the Lords put in an appearance. The Roman Catholic Peers had left London. The Bishops wisely withdrew.³ Holland, Hertford, and Bristol who had intended to vote against the Bill, stayed at home.⁴ Of the 60 Peers who had sat at the trial, and the 90 qualified to vote, only 45 gathered on the eventful day, "the good people still crying at the doors for justice".

The Bill as it stood was a marvel of draftsmanship. It recited three charges:

(1) Assumption of arbitrary power to deprive men of their estates.

(2) Levying cess by armed men in warlike array.

(3) Attempting to reduce England by Irish troops.⁵

The first charge depended on whether or no the judicial powers of the Irish Council, that had been exercised for three centuries, were legal. If statute law was the basis of things, there was no law in favour of Council Board decisions. If the Prerogative and custom were the source of development—as they undoubtedly were in Ireland—Strafford was a perfectly constitutional Viceroy. The third hung on the slender thread of Vane's evidence. The second was a ghastly example of legal misrepresentation. Crown bailiffs are not the cess of a feudal baron, and, in this case, the Lords had already quashed the proof of agency. Nevertheless as the Bill stood it was very like treason. The second charge was undoubtedly treason in Ireland. The third was very like "levying war" on the King, if he and the Commonwealth were one.⁶ The judges were summoned. They advised the Lords that, as the facts were stated, Strafford had committed treason.⁷ On the charge before them they could say nothing else. Where the injustice of the Bill lay was in the draftsmanship. The phraseology of the Bill had no relation to the actualities of the case.

The decision of the Peers was now a foregone conclusion.

1) R. P. IV—249, 250. 2) C. H. I—147. 3) Brief and Perfect Relation.—92.
4) R. P. VIII—751. 5) R. P. VIII—756, 757. 6) Braye's M. S. S.—141, 142.
7) Dom. 1641—571.

As Strafford said subsequently, "A great prejudice was set upon the Bill, because the Lords had been, in a tumultuary way, pressed upon, sundry of them very uncivilly treated, others by those means absenting themselves to avoid the danger, and others, as may be thought, less at liberty to give their votes, than otherwise they would have been".¹ Only 26—one quarter of the Peerage—voted for the Bill, but it sufficed. No more than 19 voted against.² It is most curious to note that only a tiny majority of the Commons gave it their support, and an insignificant minority of the Lords.

All that was left in the path of the Bill now was the King. A few days before its passage in the Lords, Strafford had thus written to Charles. "Sire to set Your Majesty's conscience at liberty, I do most humbly beseech your Majesty, for the prevention of evils which may happen, to pass this Bill. My consent shall acquit you more herein to God, than all the world can do beside. To a willing man there is no injury done."³

This letter has been impeached by Carte, who did not scruple to say that it was forged by Dr. Williams, Laud's great adversary, in order to influence Charles. The basis of this story was that a friend of Carte's had heard Strafford's son say so. Against this there are certain overwhelming reasons.

(1) The family tradition was that the letter was written by Strafford.⁴

(2) Radcliffe distinctly states that Strafford wrote the letter.⁵

(3) Clarendon—and the *argumentum e silentio* is a powerful one in his case and on that subject—never heard this story. On the contrary he believed the letter to be Strafford's. He initialled his copy of it thus, "My Lord Strafford's last letter to the King."⁶

(4) It was impossible, in the circumstances, for anyone to forge a letter in Strafford's name to the King, without Strafford very soon learning that it had been done. Carte evades this point by assuming that Strafford was in complete seclusion, by order of the House of Commons. Ussher, Slingsley, Sir Dudley Carleton, the Reverend George Carr, and possibly Sir George Wentworth had permission to visit him.

1) C. M. IX.—24. 2) W. H.—45. 3) R. P. VIII—744. 4) C. M. IX; Papers Relating to Thomas Wentworth.—6. 5) L. S. II—432. 6) C. C. P. I—219.

(5) In a letter, undoubtedly written by Strafford, he refers to his own "letter of the fourth of May", which the context shows is this identical letter that Carte impeaches.¹

Carte sometimes let his Jacobite and anti-Puritan zeal run away with his undoubted merits as a historian. In the case of Lord Falkland, Parsons, and the Wicklow O'Byrnes, he used the very dubious affidavits of the last to impeach the first two of conspiracy to murder. In this case he used the coffee house gossip of the time to accuse Dr. Williams of forgery.

The fact was that Strafford suddenly found himself in the position he had always striven to avoid. All his life he had insisted that Ministers should not shelter behind the King. Every act of his career was directed towards one object, to keep the Monarch out of the differences of the subjects, to make him an Olympian deity, who never "took the negative", never did anything unpopular, and only appeared to lavish Acts of Grace. "I am a freeman", he one time said, "but I live under a monarch." To him the nodus of the State, the part on which all rights and duties hinged, personified as it was in a King, free, singularly free from the vices that monarchy develops, was something that should never appear in an ungracious light, something which should not be used to aid "the particular ends of particular persons", if the Commonwealth demanded their sacrifice. Was he, at the end of his career, to prefer his own life to "the good affections between the Prince and his subjects", to plunge the King, the State and the nation into Revolution—because this is what it had now come to, "red ruin and the breaking up of laws"—to save himself, and only himself?

"To say Sire that there hath not been a strife in me were to make me less a man than—God knows—my infirmities make me. But with much sadness I am come to a resolution of that, which I take to be best becoming me, and to look upon it, as that which is most principal in itself, which doubtless is the prosperity of your sacred person and the Commonwealth, things infinitely before any man's private interest."

This letter having been written, little more remained to be done. He told Slingsley to come no more to the Tower, but only

1) C. M. IX—23.

to keep in touch with him through a servant. "If I live there will be no danger for you to stay, but otherwise keep out of the way till I be forgotten." Part of the letter is melancholy in its forebodings. "I am lost. My body is theirs, but my soul is God's. There is little trust in man." Nevertheless something might yet be essayed. One resource was still open. It was a poor one, but it might serve. "The person you were last withal at Court, sent to move that business we resolved upon, which if rightly handled, might perchance do something. But you know my opinion in all, and what my belief is in all these things."¹

1) R. P. VIII—774.

Chapter IV.

THE DEATH SENTENCE

Whoever opposes any of their proceedings, or is suspected for a design to oppose them, is to answer it with his life. This practice of assassination they have the impudence to call merciful. They boast that they operated their usurpation rather by terror than by force, and that a few seasonable murders have prevented the bloodshed of many battles. There is, no doubt, they will extend these acts of mercy, whenever they see an occasion. Dreadful, however, will be the consequences of their attempt to avoid the evils of war by the merciful policy of murder . . . Such is the approaching golden age. BURKE.

Long before this debacle had occurred, Strafford, in his cell, had been cautiously preparing the way for his reprieve. On the 24th of April—three days after the Bill of Attainder had passed the Commons—he wrote to Hamilton. Knowing well that “the Lords are inclinable to preserve my life and family”, he suggested the compromise that was floating in the air all this while. It was to the effect that he should be excluded from all public employment. The guarantee that he would never return was that his “mind was hastening fast to quiet, and my body broken with afflictions and infirmities”. Any student of his correspondence cannot but help noticing this from 1638 onwards. High politics had undoubtedly disillusioned him of his earlier ambitions to set the world right, and, if it had not been for the outbreak in Scotland, he would certainly have retired to rural ease and simple pleasures. The letter closes with a characteristic phrase. “Should I die upon this evidence I had much rather be the sufferer than the judge.”¹ It is clear that Strafford was negotiating behind the scenes with the Peers, and pointing out the easy path of least resistance.

1) B. H.—182, 183.

The evening before this letter was written, Hyde was employed on a similar errand. We can trace the date, as he states it was "in the afternoon of the day when the conference had been upon the Court of York". That day was April 22.¹ Bedford—who was a Straffordian as regards the Bill of Attainder—approached him to use his influence with Essex. Bedford was obviously acting for the King, and employed Hyde as a moderate Parliamentarian, and a *persona grata* to the great Puritan leader. It is clear too that Essex had been approached before by others, and with no result. He gave Hyde a blunt refusal. "Stone dead hath no fellow," was his comment.²

From all this we can deduce, that Strafford was in communication with the King, and that both were straining every nerve to make the rejection of the Bill unanimous. At that stage the rejection was only a question of the size of the majority. One can accordingly understand Strafford's horror at Saye's proposal that the King should order the Peers to reject the Bill. That fatal error, coupled with the "Army Plot", the popular outburst, the subsequent exclusion of the Roman Catholic Peers and the Bishops, and the panic among those on the crossbenches undoubtedly converted that majority into a minority.

Strafford, however, had a second string. One of the most curious features of Strafford's political manoeuvres was that every detail of his policy fitted perfectly together, each one helping the rest. What would happen if the Commons refused to submit to the Lordly rejection? They had already "deserted the judicature of the Lords". They had declared themselves judges. They had made an effort to dictate what Peers were to vote, and who were to be excluded from the Upper Chamber. If the People's Chamber were to declare that its own verdict was sufficient, what was to prevent the "precise party" from putting that claim into operation? Laud's execution, for instance, was really a case of a popular *coup d'état*, "banishing to the planet Saturn" all conception of Common, Statute, or Constitutional law, by the House of Commons alone declaring him worthy of death. Strafford, it should be remembered, was in their hands, guarded by the train bands of the Corporation. The very day Strafford wrote to Hamilton,

1) R. P. IV—230.

2) C. H. I—137—139.

the first of the monster petitions arrived.¹ When we remember the character of some of the members of the "precise party", and the Corporation's hatred of Strafford, anything might happen from "an accident" to a warrant from the Speaker for his instant execution. If the Commons could try, imprison, and fine citizens for not agreeing with them, could they not execute "traitors"? The Puritan fervour was ablaze, and would rejoice at such a *coup d'état*. Even before Vane's revelation, this is what an honest and respectable citizen was writing in his diary. "God goes on very graciously with his Parliament. . . . O, blessed be the name of the Lord! This day the Holy Martyr, Mr. Prynne, was released. My heart rejoiceth in the Lord this day. . . . The Lord prosper the Parliament. The Lord hath done great things to-day. Strafford is in the Tower. Laud is under the Black Rod. Finch has run away, and Bishop Wren and six Judges are bound under bail to appear."² Magnify this to the nth. degree in May, and scatter it over thousands of honest households, and we are aware that the Revolutionary nucleus would have behind them a very strong element of public opinion, if they essayed in 1641 what they did—under great disadvantages, and without half that popular enthusiasm—in the autumn of 1642, viz. declared themselves a sovereign assembly with power of life and death. This was the reason why it was from Strafford that the advice came to lodge Billingsley and 100 mercenaries in the Tower. It is clear that Strafford was to be removed from London to Portsmouth. Whether the rejection came from the Peers or the King, his person was to be safe from a violent onslaught by the Londoners, or a *coup d'état* by the Commons. This he discussed with Balfour, the Lieutenant of the Tower.³

There was a third danger to be faced. When the Bill went up to the Lords, the Commons did what Strafford foresaw they would do six months before. They stopped the city loan for the payment of the troops, and began to play with the idea of inciting the Scotch to break through the Army, now on the verge of demobilization through hunger.⁴ At this stage Charles began to act in a manner which was so typically Straffordian, as to make it almost certain that Strafford was still acting as his adviser, Sir

1) R. P. VIII—55, 56. 2) H. M. C. IX—499. 3) Husband. *Exact Collection*—233; R. P. IV—253; VIII—748. 4) Cowper. M. S. S. II—278, 281.

George Wentworth being clearly his go-between. Terms had to be made with the Scotch. If Parliament had to make those terms, Heaven only knew when a treaty would be signed. Baillie's correspondence shows that some of the Scotch and some of the Commons intended to utilize the situation, and to insert in that treaty clauses disestablishing the English Church, and vesting the control of the militia in the Lower House. That Charles would never consent to this is patent. That, in doing so, he was right as a Statesman and as a Monarch, speaking for the real wishes of the nation, is proven by the fact that, after three centuries, the Church still remains established, and the Commons' control of the Army is more nominal than real. The line of least resistance undoubtedly in this situation, was to see on what terms the Scotch would evacuate England. Suffice it to say that Charles opened up negotiations with the Scotch nobility. They, by themselves, had no real enthusiasm for Calvinising the Church of England, or for substituting Pym in the place of Charles, as Defender of the Realm. Their aim and object was something quite different. They were really in the same state of civilization as the Irish nobility in the reign of Henry VII. They wished to control their own areas themselves. They wished for a Parliament, which they would over-awe, either by nominating the members, or by the other practices, which Poyning's Law was devised to restrain in Ireland. Strafford put his finger aptly on the cause of this Scotch outbreak, when he described it as "a war not for piety but for their own unbridled lusts and ambitions", "a war not for religion, but for a Crown", "striking at the root of all Government". Their Calvinist chaplains—like Baillie—might rage at these negotiations, but, for the moment, they were brushed aside as men of words, and not men of weight, acres, and armies.

The negotiations were rapid, and, up to a certain point, successful. Charles granted them a Parliament, but on one vital condition, and that was that he was to be on the spot. His presence would be some guarantee that things would not go too far. When the Scotch Lords demanded also the right to impeach about 20 Royalists, he fought hard till he had reduced the number to five, and, even then, the impeachment was to be subject to his Prerogative of sentence or pardon. "I will not desert my friends to this strange conjuncture," were his words. What was more to

the point, he procured a personal pledge from the Scotch leaders that, if the English Parliament ever demanded for England those concessions, which, it was clear, he would have to yield in Scotland, the Scotch would side with him, and give him aid.¹

If this was consummated, the "precise party" were doomed. The need for the Army and instant supplies vanished. The threat of a Scotch march through the Midlands, the terrible plight of the Northern Counties, the fear of Argyle invading Ireland, all those things which bound the King captive vanished in one moment, and he became, instead, the master of the situation.

As the Bill of Attainder left the Commons, Colville, the Scotch agent, reported this to the "precise party". The Parliamentarians were aghast. If they were to win now, they had to strike before the Scotch left England. "If the Scotch find us not capable to be complied withal", wrote the younger Coke, "I dare not conjecture what may be our success. Holland has commanded all the officers to go down to the Army. The tumult of this incensed city is the only balance I see left, which how soon it may abate when the citizens find their goods in jeopardy is, I fear, not understood by those that grasp at all with more eagerness than discretion."²

This was the situation that led to the divulgation of the "Army Plot" a few days later. It is plain the Parliamentarians were in a desperate situation. Some cry had to be raised to make the requisite "tumult" and to procure a final decision on *l'affaire* Strafford, before this situation of popular impotence developed. The plot, as expounded by Pym, was so absurd that we may lay it down as certain, that it had never been sanctioned by Charles. The French Army was in eastern Picardy. The French fleet was scattered all over the seas. Richelieu was more friendly to the Parliament than to the King. The Irish Army was in winter quarters. It was in arrears of pay. Ormonde had been denied a martial warrant to give it discipline. The Irish subsidies were exhausted. Strafford, a year before, could not get the ships to bring it to Scotland. How then could it be brought to Chester, and how could it be fed on the march to London? The English Army was in exactly the same plight. It could not be marched south till the Scotch had gone, and, even then, how was it to be

1) B. H.—182.

2) Cowper. M. S. S. II—280.

supported, if the Parliament held back the loan for another three days! The fact that Holland was general is proof that the recall of the officers was a purely disciplinary measure, which was sadly needed, and for which the Army had petitioned. It certainly was not part of a *coup d'état*, though the order served to fan suspicion.

Mr. Gardiner has to a certain extent taken the view of Pym, that there was an Army Plot. He however, with his well-known perspicacity, points out, that it was never arranged in detail, or completely sanctioned by Charles. He takes the view that Charles played with the idea and procrastinated. For this he relies on the letters of Rossetti, the Papal legate. It is with some temerity that I venture the suggestion that Rossetti is not to be believed. His letters give one the impression of a man who loved to have it believed that he was, as it were, in the thick of everything. In one way he was. He was in the centre of that nucleus of bustling gossips that hung round the Queen's antechamber, but they knew as much about Charles and his decisions, as they did about Strafford in Dublin Castle. Phrases dropped from the Queen, her delight in their webs, her introduction of Goring to the King, her cordial reception of men like Sir John Suckling and his vague Napoleonic conceptions, her feminine delight in directing—in a drawing room—vast military movements through well-mannered cavaliers, all attention to her wishes,—all this, we may be sure, impressed this Italian Priest, who, after the tradition of Continental Courts, believed that he was in the seat of Government. He forgot that matters of this moment were debated by Charles with Hamilton, Northumberland, Juxon, and certain other councillors—and not with Goring and Suckling, the Queen's courtiers,—and that Charles could not move a company except by an order to Holland, not a ship save by a warrant to Northumberland. This is why Billingsley's hundred men for the Tower were a private levy of unemployed condottieri, having no connection whatever with Holland's command. In the great "march on London" there is not a trace of any man of weight. Elizabeth, James and Charles never acted in matters of moment, save with the approval of a majority of the Council. They kept the Council for that purpose, just as a modern citizen keeps a solicitor or a doctor. Such men could tell the Sovereign how many miles infantry march a day, and how many men a ship could transport. They were the experts,

who had to be consulted, and of whose unostentatious existence Rossetti was ignorant, and whom the Queen, in her conversations, ignored. England was really a monarchy tempered by an oligarchy, like the Council of Venice. Rossetti did not understand this. He thought that Goring and Suckling and Father Philips were the powers behind the throne. In one of his despatches he solemnly assures his reader that all these military mobilizations and marches were arranged, but dissolved before a speech of Pym.¹ It was quite easy for a man in this position to imagine what he would like to occur. When the army petitioned Charles for money, and Charles sent their petition to the Lords, and the Lords replied that the petitioners should be hung,² and Charles then tried to raise money privately to pay the soldiers, there was nothing easier for the Queen, Goring, Suckling, and Rossetti, than to talk of a *coup d'état*. It is the ease, however, with which Rossetti shifts armies from Carrickfergus to London, Picardy to Portsmouth, and York to Westminster, that stamps him as one who was totally ignorant of the rudiments of Government. Hyde is a far more reliable—even if prejudiced—authority. He repudiates completely the Army Plot, as part of the plans of Charles. So too did the Earl of Manchester, another very reliable authority.³ Both, however, are significantly silent, for obvious reasons, on two things, the negotiations with the Scotch, and Billingsley's hundred men. It is most significant that, after Strafford's execution, young Coke cast doubts on the whole story, but said it was the prevailing opinion that the real origin of the furore was the attempt to put mercenaries into the Tower.⁴

It is most significant that the basis on which the Opposition built to connect a series of incidents—harmless in themselves—into a plot to “overawe Parliament”, was the evidence of Lord Goring, the son-in-law of the Earl of Cork, perhaps the deadliest enemy that Strafford ever had. Cork's comment on that Statesman's execution runs as follows:—“On the 11th of this month, he was beheaded on the Tower Hill of London, as he well deserved.”⁵ It is very hard, however, to say why Lord Goring went to the Parliamentarians with the story of “a plot”. There are traces in his story of a feud with Sir John Suckling. There is also a trace

1) English Historical Review XII—115, 116. 2) Husband. Exact Collection. —220. 3) Nal. II—272—274. 4) Cowper. M. S. S. II—283. 5) L. P. 1. s. V—176.

of considerable anger at the idea that he should vacate the Governorship of Portsmouth in favour of Jermyn. The idea that Jermyn was using the coup for the preservation of Strafford to oust him from his post in Portsmouth appears very clearly in his angry deposition. We know also that he was a strong Royalist, and was also a protégé of Strafford's, who had once "undertaken to solicit for him the best I can, with all the power and care my credit and wish shall any way suggest" in a pecuniary difficulty between him and his father-in-law, "Old Richard".¹ The "precise party" had some vague information of a plot to rescue Strafford from the Tower before Goring assisted them with a description of the Queen's intrigues. It is just possible that Lord Cork was the source of their information, and that Goring got frightened. Fear of what would happen him in case of a disclosure, jealousy of Suckling, indignation at his deposition from Portsmouth in favour of—of all persons—Jermyn, led to what Manchester described as a disclosure "tending to his advantage and preservation".² The fact that he had taken an oath never to divulge what the others had said to him, is enough to make his very vague disclosure somewhat dubious. This was how Newport got to learn of a series of incidents which looked like "a design to overawe Parliament".

One of Goring's tit-bits of information ran as follows:—"I offered to undertake with a crew of officers and good fellows to rescue the Earl from the Lieutenant of the Tower, as he was bringing him to the trial."³ The offer was characteristic of the slap-dashery of Goring, but it shows how ignorant he was of the actualities of the day. At the moment Strafford was on the crest of the wave, down facing the Parliamentary lawyers with the Peers still in reserve. At the moment there was no need for such a crude coup. The disclosure, however, sufficed. The very fact that there was talk of rescuing Strafford, talk of French and Irish troops, and talk of "marching on London", was sufficient to raise the storm, and result, not only in the exclusion of Royalist troops from the Tower, but also in the appointment of Newport as Strafford's custodian.

The night before the Bill passed the Lords, Strafford realized

1) L. S. I—85. 2) Nal. II—273. 3) C. H. I—142.

his danger. He knew what the vote would be next morning. He knew too that the King was impotent. What was more, he realized that, even if the King rejected the Bill, his doom was sealed. "My body is theirs" was his comment. That night he again sounded Sir William Balfour, the Lieutenant of the Tower. Sir William was a kinsman of Lord Balfour, that "Cacus in his den", whom Strafford had fined for "trampling on Your Majesty's people". In that little affair Strafford had rendered Sir William some service, forcing Lord Balfour to carry out a family settlement he had hitherto evaded by methods possible at the time.¹ A Royal message shows that Balfour told the King that the Tower was not safe with the existing garrison.² Strafford too would not have approached him, save with reasonable hopes of success. Be that as it may, Strafford proposed that Balfour should connive at his escape. For this he was to receive £ 20.000 and "a good marriage for your son".³ Balfour must have, at first, entertained the idea.

According to his own deposition of the subsequent June, he acknowledged having, on the day before the exposure of the Army Plot, had another conversation with Strafford, in which the Earl talked of being removed to another Castle, and being quietly sent out of England. That conversation occurred when the Lords were partial to Strafford, but as Balfour never revealed it till a month later, it shows that Balfour had been very sympathetic to Strafford.

Beside this however there is another clue to this extraordinary manoeuvre. There is extant a letter "written to a great lady at Court". It runs as follows:— "Although there be some discovery made known, yet what is intended is made secure, wherefore you may procure £ 2.000 speedily, for no danger lets difficulties to compass it, if you keep secret. Remember your oath, for we shall slay the beast with many heads, and destroy the devil's brood, before they dream or mistrust. Burn the letter you have received. Your reward shall be in heaven."⁴ The letter is unsigned, but certain of the phrases are undoubtedly Strafford's, as is also the involved grammar. The dropping of the "o", or perhaps its addition in Sir William Balfour's deposition, is quite a common misprint in the documents of that period. Another version of the letter gives the figure of £ 20.000. The lady to whom the letter was

1) L. S. I—97, 133, 165. 2) Nal. II—190. 3) Husband. Exact Collection. —233. 4) S. T. IV—258.

directed was Lady Shelley. She never received it. It miscarried, and a few days later was read in the House of Commons. A warrant was issued for Lady Shelley's arrest. She fled.¹

Whether it was the fear of Newport and his "hamlet men", or the interception of the letter, and the non-arrival of the money, what was "made secure" one day was as nothing the next. Balfour drew back, and Strafford had to adopt another policy.

This time he harked back to the old idea of a compromise. He drafted a memorial to the King, showing him the best course to adopt when the Bill arrived from the Lords. The advice was a curious mixture of subtlety and daring. The King should first "move one by one" the different Peers, St. John, Pym—the order in which Strafford put this pair is significant—"and some of the principal lower House men". He was to lay before them two courses. One was that he should assent to the Bill, so as to avoid giving the suggestion that they had erred in putting it forward, but this consent was to be conditional on his subsequently exercising the Prerogative of Mercy, and "pardoning the Earl his life". The second was to refuse assent, but on the understanding that he would assent to another Bill, declaring Strafford guilty of High Treason, disabling him from all office, and imposing the death penalty, if he ever dared to obtrude himself in politics again. "Thus", wrote Strafford, "every man's conscience and fears may be provided for". All honest opinions on his guilt would be satisfied. All fears as to his being a danger to the State would be allayed. The Prince and the people would again be at one, the conscience of the former and the indignation of the latter being amply satisfied.

This course, however, depended upon straight blunt talk to those whom he met. "The King must speak resolutely." He should give the opinion that he, as well as they, had a conscience, and that, as he did not coerce them in passing what they could pass, they should not, and could not coerce him in rejecting what he was entitled to reject. "His Majesty has a latitude, with the same freedom to discharge his conscience, as others in either House, and the more especially in regard it is immediately the King that owes an account to God of the very meanest of his subjects."

1) Diurnal Occurrences.—100.

The fatal position was this. The King had already revealed what his opinion was. If he was coerced to change it, the reins of government would slip from his hands. Strafford accordingly provided him with a series of arguments to prove that it was not his prejudices and his feelings that had stirred his conscience, but a series of incidents which made assent undesirable.

(1) The King had heard the evidence, and he "must have the liberty allowed him to direct his actions according to what he finds in his own heart".

(2) "A considerable party in the Commons" were of his own opinion, and "amongst them most of the ablest and best learned lawyers in the House."

(3) "A very considerable party of the Lords" held the same view.

(4) Intimidation had been exercised on the Commons.

(5) Such was the intimidation in the case of the Lords that their decision was not such a one as to influence his.

(6) The chief item in the Attainder Bill, "the reduction of England" by an Irish Army, he knew to be untrue.

The whole thing depended on the King speaking "resolutely". It is clear that Strafford was of the belief that both majorities in both Houses were fictitious, and did not represent their real opinions, and that there was an undercurrent of milder opinion which might be induced by "resolute" speaking to assert itself.¹

Having indicted this sage counsel, Strafford bided his time. He had not much hopes of its success. Man proposes but God disposes, and "there is no trust in man".² As was his wont, he wandered slowly round the Tower gardens, "singing of psalms".³ On the fatal Sunday morning he wrote to Radcliffe, "Stay where you are and let us see the issue of to-morrow."⁴

On Saturday May 8th the Bill passed the Lords. The Commons requested them to "join with us to attend his Majesty to appoint a time when he would be pleased to set concerning his assent to the Bill of Attainder". The King fixed four o'clock in the Banqueting Hall.⁵ The Lords and Commons assembled thither, accompanied by a vast crowd who waited outside. "It seemed", said an onlooker, "as if all the city had come to petition." After

1) C. M. IX—23—25. 2) R. P. VII—774. 3) Cowper M. S. S. II—279.

4) R. C.—224 5) R. P. VII—60.

a lengthy delay the King arrived. He told them he would give them his reply on Monday.¹ Slowly the unwilling crowd dissolved, muttering many things.

On Sunday another burst of popular feeling made it plain what would happen if the Bill were rejected. All day long the crowd raged round the royal palace, blowing bugles and crying aloud for "Justice". The scenes far exceeded those which had upset the decision of the Peers. It looked several times as if the palace would be stormed. It is certain that all inside were stricken with panic. Some sought spiritual consolation from priests and parsons. Others hid their jewels. At one time there was a danger of the Queen Mother's residence being stormed, and on her application for protection to the train bands, they refused to come. At another time 1,000 sailors tried to rush the Tower, and, in the ensuing riot, three were killed. One curious feature of the disturbances was that the crowd "pulled down divers houses".² It was very clear what would happen on Monday.

All the day Charles wrestled with his advisers. He summoned the Council. One after the other they rose to give their opinion. They seemed like men bewildered. No one had a solution. Charles put the query to them as to what means and methods were possible to avert disaster. The unanimous answer was to pass the Bill. "In no other way can you preserve yourself. You ought to be more tender of the Kingdom than of any one person."³ Charles then summoned the judges, and put to them a straight question. As an ordinary man, judging by facts, he knew what Strafford had done and what he had not done. They were bound to tell him the truth by oath. He knew he had billeted soldiers. He knew he had made the Scotch take an oath of allegiance. He knew he had forbidden subjects to leave Ireland. He knew that he had fined men in the Castle Chamber and at the Council Board. Was this Treason? The judges replied that it was. Charles demanded which of these acts was treasonable. The unfortunate men replied that not one was treason by itself, but that the whole was treason. Charles complained afterwards bitterly of the illegal advice that his judges had tendered.⁴ They were, however, not to be blamed. They were only free because they were on bail. A few months

1) Brief and Perfect Relation.—90, 91. 2) Diurnal Occurrences.—93, 99, 100; R. P. VIII—266, 267; C. H. I—147. 3) C. H. I—147. 4) U. P.—45, 46.

later they were impeached, and what was worse, on the bad opinion they had given. "The high treason in the first Article", said the propounder, "is in endeavours to subvert the fundamental laws of the realm, and to introduce an arbitrary Government, which has been lately adjudged treason in the cause of the Earl of Strafford".¹ Strafford was destined to be not the only subject to suffer at that period, for, while acting within the law, saying or doing what did not please all.

Charles then dismissed the judges, and turned to the last problem. Was he as a Sovereign, an Englishman, nay even a human being, justified in preferring his own opinion to this staggering unanimity? His Lords and Commons had declared Strafford guilty of a crime. His Councillors had advised him to sign the Bill on the grounds, firstly that he should not oppose his will to "the sense of both Houses",² and secondly because he was bound to protect his realm from anarchy. "The consequences of a furious multitude would be terrible".³ The decision of the judges was the worst blow of all. He was bound to preserve the law. Their ruling that Strafford had broken the law created a problem difficult to solve. Was he justified in declaring Strafford innocent of treason, when the legal advisers said that he was guilty? Charles determined to summon the Bishops, and put before them this point of conscience. This development nearly turned the scale.

The Bishops so summoned were those of Durham, Lincoln, Carlisle, London, and also Ussher, the Archbishop of Armagh. The last named was, at the moment, preaching in Covent Garden. The Royal messenger arrived, and standing at the foot of the pulpit, made signs to him to descend. Ussher did so and listened to his message.

It is impossible to say whether Ussher is to be the more admired for the gigantic resources of his almost uncanny intellect, or for the grotesque simplicity with which he timidly regarded matters mundane, sometimes rushing into the most delicate problems, where Strafford used to shrink, and, on other occasions, hiding his light under a bushel, when other ecclesiastical lions deafened the world with their roaring.

On this occasion he fixed a stern eye on the Courtier, and

1) R. P. IV—325. 2) C. H. I—147. 3) W. M.—45.

with the words, "I am employed about God's business, and will attend the King's when I am done", turned, ascended the stairs, and resumed the thread of his discourse. What the courtier said to the King, and the King to the courtier, history does not relate.¹ Suffice it to say that the world had to go on without Ussher, or wait till he had done.

The other prelates assembled. Durham and Carlisle gave it as their opinion that "in conscience he might prefer the opinion of the Judges before his own".² Williams, the Bishop of Lincoln, was, however, more outspoken. He said that conscience did not enter affairs of State, and morality was only a quality to be preserved at the hearth, or in the market place. "There is a private and a public conscience, and your public conscience as a King may oblige you to that which is against your conscience as a private man."³ Charles was always very reticent on this incident. This unprelatical theory was soon noised abroad, but, when questioned as to which of the Bishops spoke thus, Charles always avoided a direct reply.⁴

Juxon, the Bishop of London, alone stood out.⁵ He told Charles that, if he regarded Strafford as innocent, he should refuse his assent to the Bill. Hence the following passage in the Eikon Basilike. "I have observed that those who counselled me to sign the Bill have been so far from receiving the rewards of such ingratiating with the people, that no men hath been harassed and crushed more than they. He only hath been least vexed by them, who counselled me not to consent against the vote of my own conscience." Juxon alone of the Bishops was untouched by the Puritan furore, and remained in England to attend Charles to the scaffold.

Charles was still unsatisfied. He dismissed the Bishops, and turned again to the Counsellors to seek some remedy for this situation. They seemed petrified with terror. To every proposal they had only one answer, that Strafford's head alone would save the Kingdom. The Army was a week's march away, undisciplined, on the verge of mutiny, and now without rations for the coming week. The Scotch army was still on English soil, ready to move, with the Parliamentary bait of a financial indemnity dangling before

1) U. P.—45. 2) Brief and Perfect Relation.—92. 3) C. H. I—147. 4) U. E. I—213; U. P.—61. 5) Warwick, Memoirs.—162.

their eyes. Outside the Palace the crowd surged and screamed. "Apprentices, cobblers, and fruiterers presented themselves as already running into the King's bed-chamber."¹ It was an open secret, too, that if the Bill were not signed, Lord Newport would see that Strafford would not live till morning. All he had to do was to raise the portcullis and admit the angry multitude.²

The Counsellors are hardly to be blamed. When Charles,—in order to clear Strafford of tendering unconstitutional advice—allowed the Council to be examined on oath, he cast aside the tradition that advice given to him was confidential. Every counsellor felt that, if he now denied the people their demands, the day might come when he might be impeached, as Strafford was, for an indiscreet phrase, or "for advice tending to arbitrary government." Every counsellor felt that what he said that day was as dangerous as if it were uttered from the windows of Whitehall to the crowd outside. The sentiments expressed were as unreal as those that would be uttered at a Cabinet meeting to-day, if reporters were present. In the circumstances what could they do but give "popular" advice, and leave Charles to undergo the dangers of an unpopular decision? Lord Pembroke actually brought a Bible to the King, and quoted the words of Joab to David. "Arise go and speak comfortably unto thy servants, for I swear by the Lord if thou wilt not go forth, there wilt not tarry one with thee this night, and that will be worse unto thee than all the evil that befell thee from thy youth."³ He and Arundel had been the leaders of the Attainder Party in the House of Lords.⁴ Hamilton seems to have evaded all responsibility in the matter. He said on the scaffold, "Neither did I at all deal with His Majesty for the taking away the life of the Earl". He did not, however, advise him to refuse, nor did he tender his aid to quell the inevitable émeute.⁵ The fact remains, that the Council remained adamant. Clarendon says, "Not one counsellor interposed his opinion to support his Master's magnanimity".

Again Charles sent for the Bishops. This time Juxon had an ally. Ussher had arrived. He was one of those men who would mildly go to the stake for any opinion, popular or unpopular, and opposition of any kind only hardened his Irish temperament. The

1) Brief and Perfect Relation.—93. 2) C. H. I—147. 3) Diurnal Occurrences.—92. 4) Cowper. M. S. S II—281. 5) H. B.—399. 6) C. H. I—147.

very fact that the first fruits of the commotion that would follow the rejection of the Bill, would undoubtedly be a physical onslaught on the Bishops, seemed to have quite a different effect on him than on the others. "Your Majesty", he said, "if you are satisfied at what you have heard at his trial, that the Earl was not guilty of Treason, you ought not in conscience to consent to his condemnation".¹ Juxon said nothing on this occasion. His view was known, and Ussher had phrased it sufficiently. Williams made a speech—which Ussher declined to report—and then handed the King a paper at parting.² It consisted of a recommendation to utilise the popularity that would follow Strafford's execution, by a refusal of the Bill forbidding a dissolution of Parliament, save by its own consent.³

The colloquies and advices continued well on till nightfall. At one stage Charles was seeking to remit the Bill for a second consideration to both Houses, to "have it voiced again", in circumstances when there might be a hope that intimidation would not prevail. This, however, found no support.⁴ It is just possible that this proposal—which depends on a rumour—was really Strafford's idea of another Bill, disqualifying him from office. One naturally asks what had been done in regard to Strafford's advice. Of this we have no definite information. It is just possible Strafford's letter arrived too late. It is also possible that all efforts in that direction failed. To "move the Lords one by one", to urge "the principal Parliament men" to accept a compromise, required "resolute" driving force, and reliable and active intermediaries. Charles had no driving force. He was surrounded by dubious and indiscreet courtiers. His Council had made up their minds only to one course, and all other policies seemed vain and unprofitable. Charles too, had only a week end in which to carry such a motion. There is no doubt but that there was some discussion with some Peers on the policy of passing the Bill, and then remitting the death sentence, but it was vague, and only adopted by a few of the Lords.⁵

The powerful influence of the Queen proved the last straw. She was now really frightened. For the first time in her life she got a glimpse of the actualities of politics, which she found very

1) U. P.—61. 2) U. P.—46. 3) Hackett. Life of Dr. Williams. 4) Brief and Perfect Relation.—92. 5) W. M.—46.

terrifying, when contrasted with the manoeuvres, ideals, intrigues, and vague conceptions so dear to the intellectual or the feminine politician. There was, for a long time, a tradition that her intervention arose from the notorious differences between her and Strafford. It was true that her Imperial Bourbon policy, and the conceptions of Royalty that she had inherited from the Medici were something so alien to England, that they could never appeal to a statesman who saw in the Crown the only bulwark against anarchy, and the most useful and practical instrument to reform the social injustices, of which he was so deeply aware, to which he was such a consistent enemy. At the very beginning of his Vice-Royalty, her hostility to him and his friends was common gossip at the Court.¹ It showed itself in little incidents, the appointment of an Irish officer without consulting him, patronage to Holland in his jostles with Strafford, and the fatal patent to Lord Clanricarde. Nor—we may be sure—were these relations improved by Strafford's point blank refusal to her request that "St. Patrick's Purgatory" be reopened with Vice-Regal patronage, on the eve of the Scotch rebellion. The real fact was that she was but an instrument in the hands of that remarkable cabal of Puritan leaders and Roman Catholic friars, usually known as "the Queen's side", which was undermining the "arbitrary government" of the Stuarts. Clever as she was, she was not clever enough to realize that Essex, Holland, Father Philips, Monsignor Conn, and George Gage did not ask her to enter some clever intrigue for the purpose of strengthening her husband, or "making two blades of grass grow where one grew before". It stood to reason, accordingly, that she regarded Strafford with suspicion, and that he was singularly reticent when her name was mentioned. It was she, for instance, who was really responsible for the disastrous appointment of Vane as Secretary of State, and it was her subsequent intrigues with Lord Dillon of Costelloe and the Irish section of belligerent recusancy that led to the popular belief that Charles had inspired the Ulster massacres. Medici ancestry and a Bourbon upbringing are not a good training for the more direct politics of these islands. Charles once spoke to Strafford on this delicate matter, and warned him "to carry himself with all duty and respect to her Majesty". A year later Strafford was in a position

1) L. S. I—85.

to assist the Queen in "the Royal Building she hath undertaken".¹ Charles was delighted, and Strafford had hopes of the favour of a "Lady, against whom I protest I never had the least exception for any private interest of my own".² A few months later the differences were as acute as ever. She protested against Strafford serving a subpoena on Holland in the libel action against Crosbie. She tried to procure a commission for Jermyn, whom Strafford roundly denounced as "desperate in fortune, mean in judgement, vain and flighty", as the Queen was destined to realize in "the Army Plot". Finally she used her influence to make "a young inexperienced nobleman" an officer in the Irish Army, and Strafford politely but firmly protested.³

On his arrival in England, however, it began to dawn on her that he was a valuable servant. A complete change in her attitude occurred. When he came up to London "to face the music", he wrote, "The Queen is infinitely gracious towards me, above all that you can imagine, and doth declare it in a very public and strange manner, so as nothing can hurt me, by God's help, but the iniquity and necessity of these times".⁴ The day too, that the Bill of Attainder passed the Lords, "the Queen was very angry".⁵ At the end of May the Prince Elector of the Palatinate wrote, "My Lord Lieutenant's death hath put the Queen in an ill humour".⁶ It was no personal feelings towards the Deputy that inspired her. It was sheer terror.⁷

The unhappy woman was not to be blamed. Every one knew that the germs of "the Army Plot" were hers. "These rumours", wrote young Coke, "came from those that bore no good will to the Lord Strafford, and served well to keep this city in alarm".⁸ If there was an outbreak due to the terror and fury inspired by this panic of a military *coup d'état* depending on French troops, what would happen the Queen? Was not she "the villainess of the piece"? The temper towards her was very nigh to that of the Paris mob towards Marie Antoinette. A few days before, Father Philips had written, "She is much afflicted, and the Puritans, if they durst, would tear her in pieces".⁹ Already popular opinion

1) L. S. II—255, 256. 2) L. S. II—278. 3) L. S. II—328, 329. 4) R. C. 218. 5) Egmout. M. S. S. I—134. 6) Forster. Lives of British Statesmen. VI—71. 7) Warwick. Memoirs.—163. 8) Cowper. M. S. S. II—283. 9) R. P. VIII—751.

was venting itself very strongly in loud threats against the Queen Mother, who had applied for protection to the Corporation, and had been refused.¹ One can imagine the frantic messages of Mary de Medici to her daughter, and the Queen's alarm over the possible fate of the children, of the dynasty. A year later the revolutionaries made a desperate effort to get control of the person of the Prince of Wales, and were only balked by the diplomacy of Charles and Hyde.² There was even in the time of James—and observed with "great uneasiness" by James—a party of men who would not have wept at the disappearance of the dynasty, and the substitution of a weak Palatinate Monarchy.³ At that very moment the Prince Elector was in London, playing the part of a Philip Égalité. To Henrietta Maria the situation was terrifying, and there were not wanting those to magnify it, if it could be magnified.

The atmosphere of alarm that clouds all this Strafford episode is unmistakable. Everyone seemed afraid of his neighbour. Even Lord Capel, one of the leading Parliamentarians, subsequently confessed that all the while he was a secret Straffordian. "I had not the least degree of malice in the doing of it, but I must confess it was a frailty of my nature and a truly unworthy cowardice not to resist so great a torrent as carried that business."⁴ All the sins of the Tudor and the Stuart statesmen, every peccadillo that had caused an injustice, had to be expiated by someone, and every man was determined that the sacrificial scapegoat was not to be himself, all except Ussher and Juxon, probably the mildest pair in the Kingdom.

When the Queen intervened, the long struggle of Charles with his Council, his Judges and his Bishops was at an end. There was no way out. If he rejected the Bill, he was faced with a social cataclysm, and the obvious fact that his rejection would not save Strafford. Whitelocke says that one phrase in Strafford's letter alone reconciled Charles to the step he bitterly regretted. "My consent shall more acquit you herein to God than all the world can do beside."⁵

At about nine o'clock the fatal decision was taken. "I would gladly venture my own life", he told the Council, "to save Lord

1) Diurnal Occurrences.—99. 2) Clarendon Memoirs. I—104—106. 3) Ven. 1622—144. 4) Speeches of Hamilton, Capel and Others. p. 39. London. 1649. 5) W. M.—45.

Strafford's, but seeing my wife, children, and all my Kingdom are in it, I am forced to give way unto it."¹ "My Lord Strafford's condition", he added, "is happier than mine."² Ussher on the following day was instructed to confide to Strafford that "if the King's life were only hazarded thereby, he would never have given passage unto his death".³

The Eikon Basilike is almost lyrical in its comment. "I preferred the outward peace of my Kingdoms with men before that inward exactness of conscience before God. . . . I never did bear any touch of conscience with greater regret. . . . It was an act of so sinful frailty that it discovered more a fear of man than of God. . . . I see it a bad exchange to wound a man's own conscience, thereby to salve State forces, to calm the storms of popular discontents by stirring up a tempest in a man's own bosom. Nor hath God's justice failed in the event and sad consequences to show the world the fallacy of that maxim, "Better one man perish—though unjustly—than the people be displeased or destroyed"."

Charles declined to go down to Parliament, and tell them the good news. The Royal assent was devolved on a Commission, of whom Arundel was chief.⁴ Thus falls the curtain on that act of the drama, with Ussher on his knees before Charles. "Sire! Sire! What have you done? I pray God your Majesty may never suffer for this trouble to your conscience."⁵ Pym as a politician regarded it from a different and more complacent standpoint. "Have we got him to part with Strafford? Then he can deny us nothing."⁶ One instinctively recalls Strafford's remark, "Lord, how we are cast in many different moulds!"

Strafford never expected a decision that night. In the morning he had written to Radcliffe "to wait the issue of to-morrow".⁷ He assumed that all the day would be consumed in negotiations with the Peers, and "the principal men of the Lower House". His hopes were not high, but they were more cheerful than when he wrote to Slingsley that all was over. It was after ten when the door opened, and Sir Dudley Carleton, the Clerk of the Council, entered. In a few words he announced the worst. Strafford was aghast. He did not at first believe him. It was impossible

1) Forster. *Lives of Eminent Statesmen*, VI—71. 2) L. S. II—432. 3) L. S. II—418. 4) R. P. VIII—755. 5) U. P.—61. 6) Nal. II—210. 7) R. C.—224.

to conceive that, in that short lapse of time, every Peer had been canvassed, and each alternative been thoroughly and "resolutely" essayed. He asked him to repeat himself. Carleton did so. Then he "arose from the chair and standing up lifted his eyes to Heaven, clapt his hand upon his heart, and said, "Put not your trust in Princes nor in the sons of men, for in them there is no salvation"."

This historic remark has been usually held to be a reference to Charles' promise to protect his life. This theory ignores the famous letter, releasing Charles from that promise. It was not till Professor Firth discovered the document containing the alternative method which Strafford had advised Charles to essay, that the pertinency of the quotation becomes apparent. It was but a repetition of what he had written to Slingsley. "There is little trust in man. . . . You know my opinion in all, and what my belief is in all these things." The story first appears in Dr. Saunderson's History, published in 1658, and was then copied *verbatim* into the more popular Memoirs of Whitelocke. Mr. Gardiner, who was, at the time, unaware of the real significance of the remark, accepts the utterance as true.

On Monday the Royal Assent was read to both Houses in dead silence. On Tuesday a development occurred, which makes one almost suspect that Strafford's précis of policy had only reached the King, after he had signed the warrant. The young Prince of Wales entered the House of Lords, and handed a letter to the Lord Keeper. It was from Charles. It was an appeal to the Lords to use their influence with the Commons to "comply with me in mercy, being as inherent and inseparable to a King as justice". The suggestion of Charles was that imprisonment for life should be substituted for the sentence of death. "I by this letter do earnestly entreat your approbation, and to endear it more have chosen him to carry it that, of all your House, is most dear to me, . . . but if no less than his life can satisfy my people, I must say, *fiat justitia*." Whether there was, or was not a hope of carrying this compromise it is hard at this time to say, but what undoubtedly balked it was the final postscript, "If he must die, it were charity to reprieve him till Saturday".¹ It looked as if the King did not expect them to grant the concession. The original letter

1) R. P. VIII—757. 758.

is still extant. The writing shows that the postscript was added some time after the letter was written, as an afterthought.¹ The reason for its insertion is plain. Strafford's estate was in chaos. Some of his servants had been arrested by the Irish House of Commons. It is very doubtful if the rents of his Wicklow estate had been collected, while his head rent had undoubtedly been paid. His tobacco farm had been escheated, and the tobacco seized by the Commons, and sold at cheap rates to whom they pleased. As, in these, as well as in the farm of the Customs and the English Alums, he had sunk considerable sums for rent, fine, or capital expenditure, the position of his wife and family was precarious. At the moment they were being supported by St. Leger, to whom the King, on Strafford's death, sent a letter of thanks. The postscript was added to secure—as Charles said later—"a few days' respite for the settlement of his distracted estate". It seems too to have been written at Strafford's request, that some arrangement be made to have "the execution deferred".²

The letter was read twice. A short debate ensued. Some Lords pointed out that Charles had signed the Bill, only because it was said that the Lords would subsequently grant this concession.³ Nevertheless things had gone too far by now. The deed was done. The Lords did not even go through the farce—as it would have been—of consulting the Commons. They despatched a deputation of twelve to tell the King that, for his safety and that of the dynasty, "it could not possibly be advised", neither the compromise, nor the postponing of the execution. They added, however, that they had no intention of escheating Strafford's estate. When they handed the King back his letter, he refused it. "What I have written do you register in your own House. In it you see my mind. I hope you will use it to my honour."⁴

That night Ussher came to Strafford from the King. To him he unfolded why these things had to be. Everything, however, that Strafford had asked would be done, especially the preferment and protection of Ormonde, subsequently Viceroy, and Radcliffe who was attached to the Royal Household till his death on the eve of the Restoration.⁵ Strafford's son would be "employed and preferred if capable", but this was to be kept secret. Lowther and

1) H. M. C. I—2. 2) L. S. II—418. 3) W. M.—46. 4) R. P. VIII—757, 758.
5) L. S. II—432.

Bramhall were to be protected from the fury of the Irish House of Commons, who held them both under arrest, pending impeachment. His steward was to be released from prison, and one of his Secretaries was to become "groom to the Prince". Bolton and St. Leger were too "remembered". Ormonde was to receive the vacant Garter, Lord Robert Dillon was to be especially noted for "ability above all the natives".¹ Ussher then retired.

Strafford then wrote to his son certain words of advice as regards discreet conduct in the dangerous future. Above all he warned him not to "suffer thoughts of revenge, but to be careful to be informed who were my friends in the prosecution, and to them apply yourself to make them your friends also".²

Then he sent for Balfour. To him he proffered one last request—to see Laud. "Master Lieutenant you shall hear what passes between us. It is not a time for him to plot heresy or me treason." Balfour replied that orders were orders. Let him ask the House of Commons, and then it might be done. "No", he replied, "I have gotten my despatch from them. I will trouble them no more. I go to petition a Higher Court, where neither partiality can be expected, or error feared. Tell him to give me his prayers to-night, and his blessing as I go forth to-morrow.

At early morning the guard awoke him, and he set forth on his last procession. As he passed Laud's cell, that prelate was waiting at his barred window. "My Lord, your prayers and your blessing", said the Earl, bowing to the ground, but Laud was silent, overcome by this, their last meeting. "Farewell, my Lord, God protect your innocency!", and the Earl passed down the stairs.

At the gate he was met by Balfour in a state of agitation. London was thronged with a vast multitude, who had come in from all sides to see the last struggles of tyranny, and there was every prospect of the prisoner being torn limb from limb, instead of being executed decently and in order. Would he enter a carriage? "No, Master Lieutenant, I dare look death in the face. I care not how I die, whether by the hand of the Executioner, or the fury of the people. If that give them better content it is all one to me. Do you only have a care I do not escape."³

The procession then formed up. First came the train bands

1) L. S. II—418. 2) L. S. II—417. 3) R. P. VIII—762; Brief and Perfect Relation—98, 99; Diurnal Proceedings—90—100.

of the Corporation, commanded by the Marshal for the City. Behind were the warders of the Tower, followed by Strafford's gentleman usher, all in black. Between Ussher and his Chaplain, George Carr, came "the Great Delinquent". "His countenance was in a middle posture, betwixt dejection and boldness. Never man looked death more stately in the face."¹ The onlookers said that his mien and gait were those "of a general at the head of an Army, marching to victory".² Then followed his friends and servants, clad in black with white gloves.

When he mounted the scaffold there were over 200,000 present. After the manner of the time he addressed them in a short speech: "I come, my Lords, to pay my last debt to sin, which is death. I do freely forgive all the world, a forgiveness not from the teeth outwards, but from the heart. I am not the first man that hath suffered in this kind. Here on earth we are subject to error and misjudging one another."

He denied that he had ever been against Parliaments. He thought them the best means of "making a King and people happy". One comfort he had, and that was that the King "conceives me not meriting so severe a punishment".

One warning he gave which was destined to prove too true: "I fear the beginning of the people's happiness when it is written in letters of blood, I fear you are in a wrong way".

For his religion he declared he was a member of the Church of England, "nor had ever any the boldness to suggest me to the contrary . . . and so God bless this Kingdom, and Jesus have mercy on my soul".

Then he knelt with his Chaplain. After a quarter of an hour he rose and took leave of his friends. To Sir George Wentworth he gave a message for his son: "Let him content himself to be a servant in his country as a Justice of the Peace, not aiming at higher preferments, and, as the revenue of the Church was like to be shared amongst the Nobility and gentry", he "bid him to beware of Church livings, lest they prove a moth and a canker to his estate".

Then he interchanged a few words with the Executioner, to whom he professed no malice. As he put off his doublet he said,

1) Brief and Perfect Relation—97. 2) R. P. VIII—762.

"I do as cheerfully put off my doublet at this time as ever I did when I went to bed". After a few last words with Ussher he knelt at the block. The signal was to be the raising of his hand. After he had fitted his neck carefully the hand slowly rose. At one blow the deed was done, and the Executioner took the head up and said, "God save the King".¹

A great shout of acclamation rose from the vast throng. Loud and prolonged cheering made the welkin ring at the sight of Jordan crossed, and the Promised Land achieved. From the outskirts of the crowd cavaliers galloped in all directions, "waving their hats", to spread the evangel throughout a suffering land. In every little hamlet where'er they came they shouted, "His head is off: his head is off", and they were received with as much jubilation as the couriers of Nelson's victories. That night bonfires blazed throughout the length and breadth of Southern England. Where-soever, too, some sullen reactionary left his windows dark, indignant protests, and occasionally a stone, instantly let him know that this was not agreeable to the people, and that he must illuminate lest worse befall him.²

The people had at last come into their own, and everyone was now free.

1) R. P. VIII—760—763; Brief and Perfect Relation—100—107. 2) Warwick Memoirs—163.

Appendix I

Sir Thomas Wentworth Bart. to Mr. Michael Wentworth

My Dear Brother,

I am right glad to hear of your good health. I have taken the best order I can for returning your monies; but if you appoint them to be received in one place, and then remove before they can be returned, if you want them, you can blame no body but yourself; for we can do no more here than send them to such places as you appoint. I doubt not but you will be vigilant to make good use of your time, and observe such things as may enable you in the profession you have betaken yourself unto; and if you commit to paper such remarkable accidents as fall forth, it will fasten them better in your memory, and be much more fresh and ready in your mind, if ever you should have occasion to use them. Methinks it were good to keep a Journal-Book of all that passeth during your being in the Army, as of your Removes, your Skirmishes, your Incampings, the Order of your Marches, of your Approaches, of your Retreats, of your Fortifications, of your Batteries, and such like; in the well and sound disposal whereof, as I conceive, consists the chief skill and judgement of a Soldier. But I am out of my own vocation (as I may so say, living in this peaceable Country) and so not well able to advise wherein I have no experimental light myself; and therefore I must leave you wholly to God's good guidance and your own circumspection and judgement. Only let me add this one Counsel, that if you come in person to be brought on in any service, I conceive you shall do well to go on with the sober and stayed courage of an understanding man, rather than with the rash and ill-tempered heat of an unadvised youth. In which course too, I conceive, you may sufficiently vindicate yourself from the opinion of fear and baseness, and gain a good esteem among the wiser sort. And indeed, a Man that

ventures himself desperately beyond reason (besides that hereby he too much undervalues himself) shall by men of sure and sad brains be deemed, without doubt, unfit for Government and Command, that exerciseth none of it first over his own unruly and misleading passions. You will present my service to your noble Captain, together with my thankful acknowledgement of my obligation unto himself for you, and that I do much desire to receive some of his commands on this side, that I may give him some good testimony how diligent and careful I should be in the observing and effecting thereof. We are all here, God be praised, in as good health as when you left us, and myself much better, having once again gotten my former strength. God have you in His Blessed keeping, which I wish you as heartily as to

Wentworth-Woodhouse, Your ever truly affectionate Brother,
Oct. 3, 1623. Th. Wentworth.

Appendix II

The Lord Deputy to the Lord Viscount Fairfax

My very good Lord,

My Cousin your brother hath taken the pains to bring me hither a copy of the last will of my Lord, your Father, wherein it hath pleased his Lordship to leave me a pledge of his love and trust, agreeable to those affections and respects, he always professed unto me living; indeed such a testimony as common humanity doth require a cheerful readiness to communicate my best help to the common frailty we are all subject unto, where the condition is so universal as no man is able to resolve himself whose turn it may be next to make the like request, and leave it behind him as a legacy to the friend he esteems most; how much more then will it become me to offer myself a ready instrument in the care of the education of the Heir of that House to which I am allied in blood, and of that Person that ever was esteemed and beloved in my Family (and in truth deservedly) as one of the noblest Kinsmen and Friends we had! So then in conformity to these

desires, I am willing, if it may seem so good to your Lordship and my Lady, to take the charge and care of your son's education into my House and thought, and acquit myself towards the duty imposed upon me by my Lord that is now with God, even with the selfsame respect and attention, as if it were for a child of my own; only by reason of the tender years of my young Cousin, I desire he may be put to School in some fit place by the care of my Cousin, his Uncle, and not brought hither to me before this time twelve months, if your Lordship assent hereunto. I desire to hear from you within these six months, and then, God willing, I shall provide lodgings for himself and Servants here, within my House. As for the twelve hundred Pounds appointed for his education, I am willing to become answerable for paying eight in the Hundred half yearly, which may be laid forth for his present Maintenance, and the Principal at least not impaired; the Bonds I give is myself, Sir George Radcliffe, and my Brother, Sir George Wentworth; the Interest shall be duly paid, and both it and the Principal always ready to be paid in upon three months warning. And this being in present all that I have whereby to express the good affections I shall preserve for your Lordship and your House, I shall not fail to expect and seek some better means, which may further assure you of my being

Dublin, this 25th of
April, 1637.

Your Lordship's
very faithful affectionate Cousin
and humble Servant,
Wentworth.

Appendix III

The Lord Deputy to the Countess Dowager of Clare

May it please your Ladyship,

My Lord of Clare having writ unto me, your Ladyship desired to have my Daughter Ann with you for a time in England to recover her health, I have at last been able to yield so much from my own comfort, as to send both her and her Sister to wait your grave, wise and tender instructions. They are both, I praise God,

in good health, and bring with them hence from me no other advice, but entirely and cheerfully to obey and do all you shall be pleased to command them, so far forth as their years and understanding may administer unto them.

I was unwilling to part them, in regard those that must be a stay one to another, when by course of Nature I am gone before them, I would not have them grow Strangers whilst I am living, besides the younger gladly imitates the elder, in disposition so like her blessed Mother, that it pleases me very much to see her steps followed and observed by the other.

Madam, I must confess, it was not without difficulty before I could persuade myself thus to be deprived the looking upon them, who with their Brother are the pledges of all the comfort, the greatest at least of my old age, if it shall please God I attain thereunto. But I have been brought up in affections of this kind, so, as I still fear to have that taken first, that is dearest unto me; and have in this been content willingly to overcome my own affections, in order to their good, acknowledging your Ladyship capable of doing them more good in their breeding than I am; otherways in truth I should never have parted with them, as I profess it a grief unto me not to be as well able as any to serve the Memory of that noble Lady in these little harmless infants.

Well, to God's Blessing and your Ladyship's Goodness I commit them; where-ever they are, my prayers shall attend them, and have of sorrow in my heart till I see them again I must, which I trust will not be long neither; that they shall be acceptable to you, I know it right well, and I believe them so graciously minded to render themselves so the more you see of their attention to do as you shall be pleased to direct them, which will be of much contentment unto me; for whatever your Ladyship's opinion may be of me, I desire, and have given it them in charge (so far as their tender years are capable of) to honour and observe your Ladyship above all the women in the World, as well knowing that, in so doing, they shall fulfil that duty, whereby of all others they could have delighted their Mother the most, and do infinitely wish they may want nothing in their breeding my power or cost might procure them, or their condition of Life hereafter may require: for, Madam, if I die to-morrow, I will, by God's Help, leave them ten thousand Pounds apiece, which I trust, by God's Blessing,

shall bestow them to the comfort of themselves and friends, nor at all considerably prejudice their Brother, whose estate shall never be much burdened by a second Venture I assure you.

Nan, they tell me, danceth prettily, which I wish (if with convenience it might be) were not lost, more to give her a comely grace in the carriage of her body, than that I wish they should much delight or practise it when they are women. Arabella is a small Practitioner that way also, and they are both very apt to learn that or anything they are taught.

Nan, I think speaks French prettily, which yet I might have been better able to judge had her mother lived; the other also speaks, but her Maid being of Guernsey, the accent is not good; but your Ladyship is in this excellent, as that, as indeed all things else which may befit, they may, nay, and I hope will, learn better with your Ladyship than they can with their poor Father, ignorant in what belongs women, and otherways, God knows, distracted; and so awanting unto them in all, save in loving them, and therein, in truth, I shall never be less than the dearest Parent in the World.

Their Brother is just now sitting at my elbow, in good Health, God be praised; and I am in the best sort I may accommodating this Place for him, which in the kind I take to be the noblest one of them in the King's Dominions, and where a Grasstime may be passed with most pleasure of that kind; I will build him a good House, and by God's Help leave him, I think, near three thousand Pounds a year, and Wood on the Grounds as much, I dare say, if near London, as would yield fifty thousand Pounds, besides a House within twelve miles of Dublin, the best in Ireland, and Land to it, which, I hope, will be two thousand pounds a year; all which he shall have to the rest, had I twenty Brothers of his to set besides me. This I write not to your Ladyship in Vanity, or to have it spoken of, but privately to let your Ladyship see, I do not forget the children of my dearest Wife, nor altogether bestow my time fruitlessly for them. It is true, I am in Debt, but there will be besides sufficient to discharge all I owe, by God's Grace, whether I live or die. And next to these Children there are not any other persons I wish more Happiness than to the House of their Grandfather, and shall be always most ready to serve them, what Opinion soever he had for me; for no other's usage can absolve me of what I owe, not only to the memory but to the last

Legacy that noblest Creature left with me, when God took her to Himself. I am afraid to turn over the leaf, lest your Ladyship might think I could never come to a conclusion; and shall therefore add to all the rest this one truth more, that . . . there is not any more.

Fairwood-Park, the 10th
of August, 1639.

Your Ladyship's
obedient and most humble
Son and Servant,
Wentworth.

Appendix IV

Speech at the Trial

May it please your Lordships, it falls to my turn to presume to put you in mind, and to represent to you the proofs as they have been offered, which I shall do, to the best of my memory, with a great deal of clearness. I shall desire to represent them neither better nor worse than they are in themselves, and I wish the like rule may be observed on the other side.

My Lords my memory is weak. My health hath been much impaired, and I have not had such quiet thoughts, as I desired to have had, in a business of so great and weighty importance to me. Therefore I shall most humbly beseech you that by your wisdom, your justice, and goodness I may be so bound to you, as to have my infirmities supplied by your better abilities, better judgements, and better memories.

I stand before you charged with High Treason. The burden is heavy, but far the more that it hath borrowed the name, the patrociny of the House of Commons. If this were not interested I might shortly expect a no less easy, than I do a safe, issue, and success to the business. But, let not my weakness plead innocence, nor their power my guilt. If your Lordships conceive of my defence, as they are in themselves, without reference to either—and I shall endeavour so to present them—I hope to go hence as clearly justified by you, as I am now in the testimony of a good conscience by myself.

These gentlemen were pleased to say that these articles were no treason in themselves, but conducing to the proof of treason. Hence, my Lords, I have all along watched the charge to see that poisoned arrow of treason that some would have to be feathered in my breast, and that deadly cup of wine that hath so intoxicated some petty misalleged errors as to put them in the elevation of High Treason. In truth, however, it hath not been my quickness to discern any such monster yet within my breast, though perhaps now, by a sinister imputation, sticking to my clothes.

It seems strange to me, there being a difference between misdemeanours and felonies, how it can be possible that misdemeanours should ever make a felony, or a hundred felonies make a treason. They say well that, if a man be taken threatening of a man to kill him, conspiring his death, and with a bloody knife in his hand, these be great arguments to convince a man of murder. But the man must be killed. If the man is not killed the murder is nothing. Thus all these things that they would make conduce to treason, unless something be treasonable, they cannot be applied to treason.

They tell me of a twofold treason, one against the Statute, another against the Common Law, this direct, that constructive, this individual, that accumulative, this in itself, that by way of construction.

My Lords these constructive treasons have been strangers to your Commonwealth a great while, and, I trust, shall be still by your Lordship's wisdom and justice. But, as for the Treasons in Statute, your Lordships are my judges. No Commoner can be judge in case of life and death. No Commoner is my peer. I shall ever celebrate the providence and wisdom of your noble ancestors that have put the keys of life and death, so far as concerns you and your posterity, in your own hands. None but you know the rate of your noble blood. None but you must hold the balance in dispensing the same. God be praised that it is so!

But my Lords, give me leave here to pour forth the grief of my soul before you; these proceedings against me seem extremely rigorous, and to have more of prejudice than equity, that by a supposed charge of my hypocrisy or errors in religion I should be made so monstrously odious in three kingdoms. A great many thousand eyes have seen my accusations whose ears shall never

hear that, when it came to the upshot, I was never accused of the same. But I have lost nothing; popular applause was ever nothing in my conceit; the uprightness, the integrity of a good conscience was, and ever shall be, my perpetual feast. And if I can be justified in your Lordships' judgements from this grand imputation—as I hope now I am, seeing these gentlemen have thrown down the bucklers—I shall account myself justified by the whole kingdom, because by you, who are the compendium, the better part, yea, the very soul and life of the same.

As to my designs about the State, I dare plead as much innocency here as in the matter of my religion. I have ever admired the wisdom of our ancestors, who have so fixed the pillars of this Monarchy that each of them keeps due measure and proportion with other, and have so handsomely tied up the nerves and sinews of the State that the straining of one may bring damage and sorrow to the whole economy. The prerogative of the Crown and the propriety of the subject have such mutual relations that this took protection from that, that foundation and nourishment from this; and, as on the lute, if anything be too high or too low wound up, you have lost the harmony, so here the excess of a prerogative is oppression, of a pretended liberty in the subject disorder and anarchy. The prerogative must be used, as God doth His omnipotency, at extraordinary occasions; the laws answerable to that "*potentia ligata in creaturis*" must have place at all other times, and yet there must be a prerogative, if there must be extraordinary occasions. The propriety of the subject is ever to be maintained, if it go in equal pace with this; they are fellows and companions that have been and ever must be inseparable in a well-governed kingdom; and no way so fitting, so natural to nourish and intertex both as the frequent use of Parliaments. By this a commerce and acquaintance is kept between the King and the subject; this thought hath gone along with me these 14 years of my public employments, and shall, God willing, to my grave. God, his Majesty, and my own conscience, yea, all who have been accessory to my most inward thoughts and opinions, can bear me witness I ever did inculcate this:—The happiness of a kingdom consists in a just poise of the King's prerogative and the subject's liberty, and that things should never be well till these went hand in hand together. I thank God for it, by my Master's favour and the

prudence of my ancestors I have an estate which so interests me in the Commonwealth that I have no great mind to be a slave, but a subject. Nor could I wish the cards to be shuffled over again upon hope to fall on a better set; neither did I ever keep such base mercenary thoughts as to become a pander to the tyranny, the ambition of the greatest man living. No, I have and shall ever aim at a fair but bounded liberty, remembering always that I am a freeman, but a subject; that I have a right, but under a Monarch. But it hath been my misfortune now under my grey hairs to be charged with the mistakes of the times, which are now so high bent that all appears to them to be in the extremes for Monarchy, which is not for themselves: hence it is that designs, words, yea, intentions are brought out for demonstrations of my misdemeanours—such a multiplying glass is a prejudicated mind.

This is not constructive treason. It is destructive treason. It is not agreeable to the fundamental grounds of reason, for how can there be Treason in the whole which is not in any of the parts? It is not agreeable to the fundamental grounds of law. Neither Statute Law, or Common Law, or Practice hath from the beginning of Government ever mentioned such a thing. It is hard that I should be questioned for my life and honour upon a law that is not extant, that cannot be shown.

Jesu! My Lords, where hath this fire lay'n all this while, so many hundred years together, that no smoke should appear till it burst out now to consume me and my children, to destroy me and my posterity from the earth? Hard it is that a punishment should precede the promulgation of the law, that I should be punished by a law subsequent to the act done. No man will be safe if this be admitted. Far better it were to live by no law at all, but be governed by those characters of discretion and virtue stamped in us, than to put this necessity of a divination in man, and to accuse him of a breach of the law, ere it be a law at all.

There is no token set upon this offence, by which we may know it, no admonition by which we may be aware of it. If I pass down the Thames in a boat, and run upon an anchor, and there be no buoy to give me warning, the party shall give me damages, but, if it be marked out, it is at my own peril. Where is the mark set upon this crime? Where is the token by which I should disvocer it? If it be not marked, but lie under water, there is no human pru-

dence can prevent the destruction of man. Let us then lay aside all that is human wisdom. Let us rely only upon divine revelation. Nothing else can preserve us if you condemn us before you tell us where the fault is that we may avoid it. Have regard to the Peerage of England, and never suffer yourselves to be put upon these moot points, the constructions, interpretations, and strictness of law. If there must be a trial of wits, consider that the subject may be of something else than of your lives and your honours.

In the primitive times, on the sound and plain doctrines of the Apostles they brought in their books of curious art and burnt them. It would be wisdom and prudence for yourselves, your posterity, and for the whole Kingdom, to cast from you into the fire those bloody and mysterious volumes of constructive and arbitrary treason, and to betake yourselves to the plain letter of the Statute that tells you where the Crime is. We have lived happily at home. We have lived gloriously abroad. Let us be content with that which our fathers left us. Beware you do not wake sleeping lions by the raking up of some neglected moth-eaten records. They may tear you and your posterity to pieces. Your ancestors chained them within the barrier of a statute. Be not ambitious to be more skilful than your ancestors, more curious than your fathers were in the art of killing. It is not the crime of treason, but my other sins that have presented me to your bar, and it is now my misfortune that, unless your Lordships' wisdom provide for it, the shedding of my blood may make a way for the tracing of yours. You, your estates, your posterities lie at stake if such learned gentlemen as these, whose lungs are well acquainted with such proceedings, be started out against you. If your friends and your counsel were denied access to you, if your professed enemies admitted to be witnesses against you, if every word, intention, circumstance of yours were alleged treasonable, not because of a Statute, but because of a consequence, a construction of law heaved up in a high rhetorical strain, and a number of supposed probabilities, I leave it to your Lordships' consideration to foresee what may be the issue of so dangerous, so recent precedencies.

These gentlemen say they speak in defence of the Commonwealth against my arbitrary laws. I speak in defence of the Commonwealth against their arbitrary treason. If this latitude be

admitted who will serve the King and the State? If you will examine Ministers of every little grain, or every little weight, it will be so heavy that the public affairs of the Kingdom will be left waste, and no man will meddle with them that hath wisdom and honour and fortune to lose.

If it were not for your Lordships' interest and the interest of those pledges a saint in Heaven hath left me . . . you will please to pardon my infirmity. . . . I should not have taken such pains to keep up this ruinous cottage of mine. It is laden with such infirmities that I have no great pleasure to carry it longer about with me.

Yet I thank God I account not the afflictions of this present life as comparable with that eternal weight of glory that shall be revealed for us hereafter. Only with all humility and tranquillity of mind I do submit myself clearly and freely to your judgements. Let me be a Pharez to keep you from shipwreck. Do not put such rocks in your own way which no prudence or circumspection can eschew or satisfy but by utter ruin.

And so, my Lords, whether your judgement be to life or death, it shall be righteous in my eyes, and received with a *Te Deum Laudamus, Te Dominum Confitemur*

Appendix V

The Lord Lieutenant to Charles I.

May it please Your Sacred Majesty;

It hath been my greatest grief in all these troubles, to be taken as a person which should endeavour to represent and set things amiss between Your Majesty and Your People, and to give counsels tending to the disquiet of the Three Kingdoms.

Most true it is, (that this mine own private condition considered) it had been a great madness, (since through your gracious favour I was so provided) as not to expect in any kind to mend my fortune, or please my mind more, than by resting where your bounteous hands had placed me.

Nay, it is most mightily mistaken; for unto your Majesty it is

well known, my poor and humble advices concluded still in this, that Your Majesty and Your People could never be happy, 'till there were a right understanding betwixt you and them; and that no other means were left to effect and settle this happiness, but by the counsel and assent of your Parliament, or to prevent the growing evils of this State, but by entirely putting yourself in this last resort, upon the loyalty and good affections of your English Subjects.

Yet such is my misfortune, that this truth findeth little credit; yea, the contrary seemeth generally to be believed, and my self reputed as one who endeavoured to make a separation between you and your People: under a heavier censure than this, I am persuaded no gentleman can suffer.

Now I understand the minds of men are more and more incensed against me, notwithstanding your Majesty hath declared, that in your Princely opinion I am not guilty of Treason, and that you are not satisfied in your conscience to pass the Bill.

This bringeth me in a very great streight. There is before me the ruin of my children and Family, hitherto untouch'd in all the branches of it with any foul crime. Here are before me the many ills, which may befall your Sacred Person and the whole Kingdom, should Your Self and Parliament part less satisfied one with the other, than is necessary for the preservation both of King and People. Here are before me the things most valued, most feared by mortal men, Life or Death.

To say, Sir, that there hath not been a strife in me, were to make me less man, than God knoweth, my infirmities make me; and to call a destruction upon myself and young children, (where the intentions of my heart, at least, have been innocent of this great offence) may be believed, will find no easy consent from flesh and blood.

But with much sadness I am come to a resolution of that, which I take to be best becoming me, and to look upon it, as that which is most principal in itself, which doubtless is the Prosperity of Your Sacred Person, and the Commonwealth, things infinitely before any Private Man's Interest.

And therefore in few words, as I put myself wholly upon the Honour and Justice of my Peers, so clearly, as to wish Your Majesty might please to have spared that Declaration of Yours on

Saturday last, and entirely to have left me to their Lordships; so now, to set Your Majestie's Conscience at liberty, I do most humbly beseech Your Majesty, for prevention of evils which may happen by Your refusal, to pass this Bill, and by this means to remove (praised be God) I cannot say this accursed, (but I confess) this unfortunate thing, forth of the way towards that blessed agreement, which God, I trust, shall ever establish between you and your Subjects.

Sir, my consent shall more acquit you herein to God, than all the World can do besides; to a willing man there is no injury done: and as, by God's Grace, I forgive all the World, with a calmness and meekness of infinite contentment to my dislodging soul; so, Sir, to you I can give the Life of this World, with all the cheerfulness imaginable, in the just acknowledgement of your exceeding favours; and only beg, that in your Goodness, you would vouchsafe to cast your gracious regard upon my poor Son, and his three sisters, less or more, and no otherwise, than as their (in present) unfortunate Father may hereafter appear more or less guilty of this Death. God long preserve Your Majesty.

Your Majesty's most Faithful;

Tower, May. 4. 1641.

And Humble Subject,

And Servant,

Strafford.

I N D E X

N B. S. = Strafford

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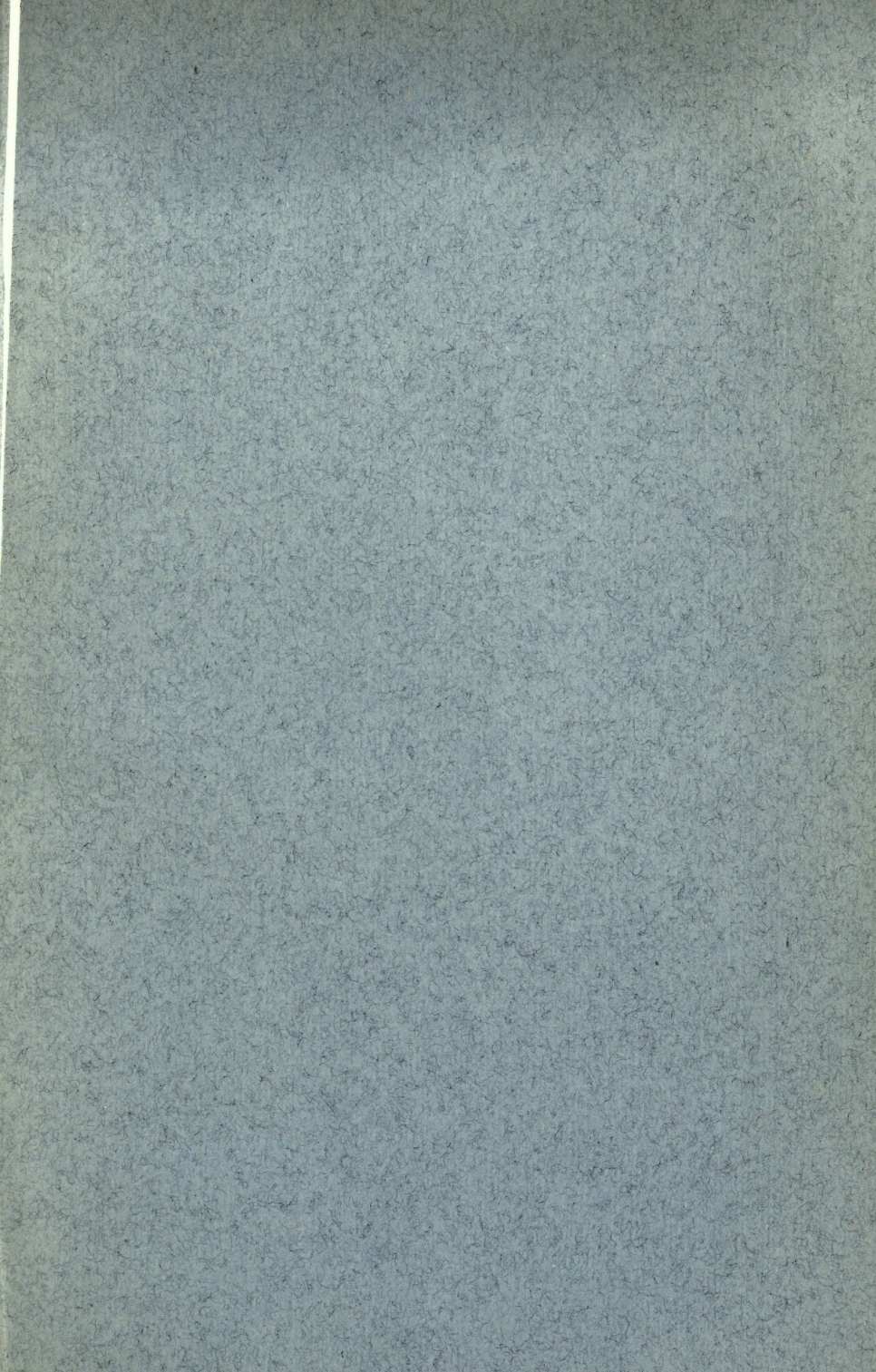
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